

ICA5iss1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 74 (CM)

5 IBRAHIM ISSA,

6 Trial

7 Defendant.

8 -----x

9 New York, N.Y.
10 December 10, 2018
11 9:53 a.m.

12 Before:

13 HON. COLLEEN MCMAHON,

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN

17 United States Attorney for the
18 Southern District of New York

19 NOAH SOLOWIEJCZYK

20 ELIZABETH HANFT

21 KYLE WIRSHBA

22 Assistant United States Attorneys

23 BRAFMAN & ASSOCIATES, P.C.

24 Attorneys for Defendant

25 BY: BENJAMIN BRAFMAN

JOSHUA D. KIRSHNER

STUART GOLD

26 ALSO PRESENT: ANTHONY DUBAR, Special agent USPS-OIG
27 GRACE SOTO, Special agent IRS
28 COLLEEN GEIER, Paralegal Specialist USAO
29 PRIYA KUARLALL PRASAD, Paralegal

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(Trial resumed; jury not present)

THE DEPUTY CLERK: Case on trial continuing;
government and defense attorneys present. Jurors are not
present.

THE COURT: Good morning. Hope you had a good
weekend. Here is the deal with today. I have already begged
out of the first part of the Judges' lunch so we will break for
lunch at 12:45, but at 4:00 this afternoon the new learning
center, which is Chief Judge Katzman's big project, is being
dedicated and Chief Judge McMahon has to put in an appearance
at that event.

So, can we get the witness on the stand, please?

MR. BRAFMAN: So, we will be stopping at 4:00 today,
your Honor?

THE COURT: I think that's what I just intimated, yes.

MR. BRAFMAN: Thank you.

THE COURT: How much more do you have?

Come on up, sir. Get in the witness box.

How much more do have you with the witness?

MR. SOLOWIEJCZYK: Approximately a half hour.

THE COURT: Okay. Great.

(Continued on next page)

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Velez - direct

1 (Jury present)

2 (Witness resumes stand)

3 THE COURT: Good morning, everybody.

4 THE JURY: Good morning.

5 THE COURT: Good to see you.

6 Our witness is still on the stand. We will pick up
7 where we left off on Thursday.

8 Sir, you are still under oath.

9 ISMAEL VELEZ, resumed.

10 THE COURT: You may continue.

11 MR. SOLOWIEJCZYK: Thank you, your Honor.

12 DIRECT EXAMINATION

13 BY MS. HANFT:

14 Q. Good morning, Mr. Velez.

15 A. Good morning.

16 Q. When we broke for the weekend you were discussing some of
17 the problems you had with Mr. Issa's companies. Do you recall
18 that?

19 A. Yes.

20 Q. Can you remind us what some of those problems were?

21 A. Invoices were coming late, we couldn't match the invoice to
22 the vehicle because the vehicle would go back to the station,
23 we wouldn't get the invoices on time so we couldn't verify.

24 There were items that should have been on the PMI -- preventive
25 maintenance inspection -- that were added on the bottom of, you

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1 know, separately which shouldn't have been.

2 MR. BRAFMAN: Your Honor, this has been asked and
3 answered.

4 THE COURT: It is a little review to catch up. It's
5 one question. There will not be two.

6 Remind the folks again. Finish your answer, sir.

7 THE WITNESS: And, we were getting bills late so it
8 was causing souse to have more confusion with the vehicles
9 getting PMI because the vehicles would be PMI'd but the
10 invoices weren't coming in so we couldn't take them off of our
11 system and seeing, showing that they were done. So, since they
12 didn't show in our system, vehicles were constantly being done
13 again with no prior knowledge that the vehicle was done. We
14 had a lot of vehicles, 1,640 vehicles so we had a lot of
15 redundancy in work.

16 BY MS. HANFT:

17 Q. Despite those problems, did you continue to use Mr. Issa's
18 companies?

19 A. Yes.

20 Q. Why was that?

21 A. When I spoke to Mr. Issa, he would constantly tell me that
22 he was going to take care of the problem, he was going to fix
23 it, don't worry about it, I'm going to take care of it, and at
24 the same time I didn't want to lose the money that I was
25 getting at the time.

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1 Q. You also told us that there were other third-party
2 contractors you used. Do you recall that?

3 A. Yes.

4 Q. As compared with other third-party contractors, did you use
5 Mr. Issa's companies more or less frequently?

6 A. More.

7 Q. Approximately how much work did you give Mr. Issa's
8 companies while you were Westchester VMF manager?

9 A. It was a lot more. He would get work with Healey, Dee Jay,
10 First Star, Delorean, Duploy. All those companies were getting
11 a lot of work.

12 Q. And when you say a lot of work, can you estimate a monetary
13 amount, if you know?

14 A. As far as money is concerned, it was in the millions.

15 Q. Now, I would like you to take a look at Government Exhibit
16 250DD.

17 We don't need to discuss this again but I think I
18 neglected to formally offer it in evidence. The government
19 offers Government Exhibit 250DD?

20 MR. BRAFMAN: Do you have it on the screen?

21 THE COURT: What is it?

22 MS. HANFT: A text message.

23 THE COURT: Can they see it so they know whether we
24 want to object or not?

25 MR. BRAFMAN: We have no objection.

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1 THE COURT: Admitted.

2 MS. HANFT: Thank you.

3 (Government's Exhibit 250DD received in evidence)

4 BY MS. HANFT:

5 Q. Let's turn to Government Exhibit 250EE. This exhibit is in
6 evidence.

7 Mr. Velez, could you read the first message aloud,
8 please?

9 A. "You, yourself, better be in my office on Tuesday, June
10 13th, at 9:00 a.m."

11 Q. Did you send him this message, sir?

12 A. Yes.

13 Q. Who did you send it to?

14 A. To Mr. Issa.

15 Q. Could you read the next message, please?

16 A. "Since you haven't responded to my text, it means to me
17 that as of Monday, June 13th, we will shut down operations with
18 Healey, Duploy and First Star. Documentation will be sent,
19 forwarded to Philadelphia CMC."

20 Q. Did you send this message?

21 A. Yes.

22 Q. Why did you send this message?

23 A. Still was having a lot of issues with this company.

24 Q. And when you say, "documentation will be forwarded to
25 Philadelphia CMC," what are you referring to?

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1 A. To make them aware that I was going to stop doing work with
2 them in case they were going to use him for other places to cut
3 him off, don't recommend him anywhere else.

4 Q. Did you shut down operations with Healey, Duploy and First
5 Star?

6 A. No, I didn't get to. No.

7 Q. Did you shut down operations with any of Mr. Issa's
8 companies?

9 A. No.

10 Q. Why not?

11 A. We spoke about the issues that we were having -- that I was
12 having with his companies, and again he told me he was going to
13 take care of it and repair it so I didn't send anything to
14 Philadelphia CMC. And on top of that, you know, again, I
15 needed the money.

16 Q. If I can show you one last text message, Government Exhibit
17 250GG, I believe it is also in evidence. Could you read this
18 set of messages aloud please, Mr. Velez?

19 A. From top to bottom?

20 Q. Yes, please.

21 A. "Give me invoices, please. Does me no good just talking
22 about it. Get four or five a night. I want them done as soon
23 as possible. You guys need work and nothing is being done.
24 Send me whatever invoices you have."

25 "Tell your boy not to screw this up or he's dead."

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1 "Got it, boss."

2 "Will do."

3 "Tell him he complained and I'm coming through for
4 your uncle. No more crying."

5 Q. Mr. Velez, who did you send these messages to?

6 A. Sent them to Jasmine, an employee of Tony Issa's.

7 Q. And could you explain the entry in your phone, why does it
8 say Love Jasmine My?

9 A. That was just, I used to give everybody a name, put it on
10 my phone.

11 Q. And in this first message, what were you referring to when
12 you said give me invoices, please?

13 A. Well, again, the invoices weren't coming on time so they
14 were just sitting in their office, vehicles were done, they
15 were back in the stations already driving, delivering mail, but
16 I didn't have the invoices to enter into SEAM to show that they
17 were done. So, I didn't want them to be done again, have
18 redundancy with the invoices.

19 Q. When you say tell your boy not to screw this up or he's
20 dead, were you being serious or were you angry?

21 A. I was upset because it was taking too long with these
22 invoices. I mean, we are talking about a month later, two
23 weeks later, three weeks later. It wasn't being done right.
24 There was no efficiency to the invoices.

25 Q. Finally, this last message: "Tell him he complained and

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Velez - direct

1 I'm coming through for your uncle, no more crying."

2 First of all, who is "your uncle?"

3 A. That's Jasmine's name for Mr. Issa, she used to call him
4 her uncle.

5 Q. What did you mean when you said, "I'm coming through for
6 him?"

7 A. He was getting work. He was complaining to me that he
8 wasn't getting work so he was getting work. Even though he had
9 work he was getting more work and he was getting work, but he
10 just wasn't coming through for us with the invoices. So, I
11 told him don't cry no more, because he used to tell me all the
12 time I'm not getting any work.

13 Q. And, Mr. Velez, if I could refer your attention back to
14 Thursday again, do you recall telling us about a trip -- two
15 trips to Florida with Mr. Issa?

16 A. Yes.

17 Q. Those trips to Florida, who invited who?

18 A. Mr. Issa invited me.

19 MS. HANFT: Your Honor, if I could request that the
20 Court read stipulation 4009, paragraph 11?

21 THE COURT: If called as a witness at trial, the
22 custodian of records of Miami Gardens Square 1, Inc., doing
23 business as Tootsie's Cabaret, would testify that Government
24 Exhibit 603, including all parts and subdivisions thereof, are
25 true and correct copies of records of Tootsie's, that the

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1 originals records were all made or near the time by or from
2 information transmitted by a person with knowledge of the
3 matters set forth in the records, that they were kept in the
4 ordinary course of Tootsie's regularly conducted business
5 activity, and that it was the regular practice of that business
6 activity to make the records.

7 You have heard those words frequently enough by now to
8 know that that's the magic formula for authenticating something
9 as a business record.

10 MS. HANFT: The government offers Government Exhibit
11 603.

12 MR. BRAFMAN: No objection.

13 THE COURT: Admitted.

14 (Government's Exhibit 603 and 4009 received in
15 evidence)

16 BY MS. HANFT:

17 Q. May we publish Government Exhibit 603?

18 Mr. Velez, I'm going to turn your attention forward in
19 time. Do you recall learning at some point that Mr. Issa had
20 been arrested?

21 A. Yes.

22 MS. HANFT: And, your Honor, with the Court's
23 indulgence, would you please read the stipulation marked
24 Government Exhibit 4001?

25 THE COURT: Can I have 4001, please? It is hereby

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1 stipulated and agreed, by and between the usual suspects that:

2 1. Ibrahim Issa was arrested in connection with this
3 case on or about September 2, 2016, in New York, New York.

4 It is further stipulated and agreed that this
5 stipulation may be received into evidence and it is hereby
6 received as Government Exhibit 4001.

7 (Government's Exhibit 4001 received in evidence)

8 BY MS. HANFT:

9 Q. Mr. Velez, how did you hear that Mr. Issa had been
10 arrested?

11 A. I actually saw a sheet of paper with his picture showing on
12 the bottom, a statement showing that he was arrested, inside
13 the swing room in my shop.

14 Q. Did there come a time after Mr. Issa's arrest when you
15 spoke to Sohail?

16 A. Yes. About a week after I found out that he was arrested I
17 called Sohail.

18 Q. Why did you call Sohail?

19 A. Because I was going to go on the regular day to go pick up
20 money.

21 Q. Could you remind us who Sohail is, Mr. Velez?

22 A. Sohail is an employee that runs the gas station for
23 Mr. Issa.

24 Q. So, why did you want to go pick up money at that point?

25 A. It was a scheduled day to go. I just called, called him on

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1 his cell phone.

2 Q. Would you describe the conversation you had with Sohail?

3 A. When I called Sohail I told him, oh, I'm coming down to
4 pick up coffee and he told me oh, no more, they took the
5 computers. No more. It's done. No more.

6 Q. When you say "pick up coffee," would you remind us what
7 that referred to?

8 A. "Coffee" was the code word for money.

9 Q. When, approximately, was the last time you received a cash
10 payment from Mr. Issa?

11 A. Two weeks prior to Mr. Issa being arrested.

12 Q. How much money did you receive at that time?

13 A. It was \$4,800.

14 Q. By the way, Mr. Velez, when you went to pick up money from
15 the gas station, did you drive or were you on foot?

16 A. I used to drive there.

17 Q. And which car or cars did you use?

18 A. I used -- at the time I owned a C300 Mercedes Benz.

19 Q. Did there come a time when you had a different car?

20 A. Yes. I traded that in for a jeep. It was getting too
21 expensive, the monthly payments.

22 Q. Did you drive that car to the gas station at times as well?

23 A. Yes, the jeep.

24 Q. What color was the jeep?

25 A. It was an orangey-red color.

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1 Q. After Mr. Issa's arrest, did you continue to work at the
2 White Plains VMF?

3 A. Yes.

4 Q. Until when?

5 A. Until January of 2017.

6 Q. What happened in January of 2017?

7 A. I was visited by the OIG's office and the agent presented
8 me with some paperwork saying pretty much that I was accepting
9 bribes, I was putting money into an account, my checking
10 account, and I couldn't recall.

11 Q. I am going to ask you some more detailed questions about
12 that in a moment but, generally speaking what, if anything, did
13 OIG ask you that day?

14 MR. BRAFMAN: Objection.

15 THE COURT: Overruled.

16 BY MS. HANFT:

17 Q. You can answer, sir.

18 A. They asked me why was I depositing large amounts of money,
19 is this money that I was getting from the outside, from the
20 company. He told me, you know, they're going to ask me
21 questions that they already know the answers to. And I was
22 answering. I was nervous, I was scared at that time so I
23 just --

24 Q. Generally speaking -- I'm sorry.

25 A. No. I just don't know what else to say about that.

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Velez - direct

1 Q. Generally speaking, by the end of that meeting, what had
2 you told OIG that you had done?

3 A. That I was receiving a bribe in return for money.

4 Q. When you say in return for money, what do you mean by that?

5 A. I mean -- I'm sorry. I was receiving a bribe in return for
6 work that I was giving him.

7 Q. And when you say in return for work, could you be more
8 specific what you are referring to?

9 A. Giving Mr. Issa's company work, you know, vehicles for
10 repair.

11 Q. And you referred a moment ago to being nervous. Were you
12 completely truthful at that time?

13 A. No.

14 Q. In what way were you not truthful?

15 A. I didn't recall all the information either, so at that time
16 being nervous and all I wrote on a statement some things that
17 weren't true, like as far as the amount of money that I was
18 getting, the date I wasn't sure of and I put down a year that I
19 wasn't clear on. Based upon the documents that they showed me,
20 I just assumed that it was correct and I just wrote that number
21 on the paperwork.

22 Q. Can you explain what you are referring to when you say the
23 document that they showed you?

24 A. They showed me a spreadsheet, the OIG agents showed me a
25 spreadsheet of deposits going into my bank account back in, you

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1 know, 2013, '14. I didn't know what those deposits were. It
2 was a joint account between myself and my wife and so I -- I
3 assumed they were correct only to find out later that it wasn't
4 correct.

5 Q. When you say you assumed they were correct, what do you
6 mean by that? What did you say those deposits were?

7 A. I said to the OIG agent that those were deposits on the
8 statement that I wrote that they were deposits that I was
9 putting money in, but that wasn't accurate.

10 Q. Which money did you say that was? What kind of deposits,
11 what was the money from?

12 A. From -- well, I thought it was deposits from money that I
13 was getting from Mr. Issa but it wasn't.

14 Q. Were you getting money from Mr. Issa?

15 A. Yes.

16 Q. What, if anything, did you say at that time with respect to
17 the work that Tony Issa's company performed?

18 A. I told them that I didn't accept shoddy work, that they
19 were doing the work, that I was giving them the work and
20 everything was fine.

21 Q. Was that true?

22 A. No.

23 Q. Did there come a time when you realized that those deposits
24 were not in fact the very money you had received from Mr. Issa?

25 A. Yes.

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1 When I got home I looked at the documents online for
2 that account and my wife reminded me that was money that she
3 was depositing from her account to pay the rent, mortgage, and
4 stuff like that. She used to work in a hospital and the money
5 wasn't going direct deposit into our account, she was having
6 trouble getting that done so she had to take it out from her
7 personal account, withdraw it, and then deposit it into our
8 joint account. And that's what that money was, those deposits.

9 Q. So, would it be correct to say that you got some of the
10 details wrong that day that you were approached by the OIG?

11 A. Yes.

12 Q. Remind us, what were you doing with the money that you
13 received from Mr. Issa?

14 A. I was actually keeping it in the house inside of an
15 electrical box. As I needed to get groceries or pay a bill, I
16 would buy a money order and pay the bills.

17 Q. Did you ever deposit it in any bank account?

18 A. I believe in the very beginning I deposited, like, four or
19 five times \$200 a week.

20 Q. Now, did there come a time when you began to cooperate with
21 law enforcement?

22 A. Yes.

23 Q. Around when was that?

24 A. February of 2017.

25 Q. What did you do to cooperate?

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Velez - direct

1 A. I told them everything, all my interactions with Mr. Issa
2 and his companies between the post office and Mr. Issa's
3 companies, the monies that I was receiving from beginning to
4 end.

5 Q. Did you also tell them everything about the crime you had
6 committed?

7 A. Yes.

8 Q. Who did you meet with of the government as part of your
9 cooperation?

10 A. With the OIG, the IRS, assistant district attorney, my
11 lawyer, and myself.

12 Q. And, what sorts of things did you have to tell the
13 government at those meetings as part of the process of meeting
14 with them?

15 A. I had to tell them the truth about everything.

16 Q. Did you do that?

17 A. Yes.

18 Q. Ultimately, were you charged with accepting bribes based on
19 your having received bribes from Mr. Issa?

20 A. Yes.

21 Q. Did that require turning yourself in to the authorities?

22 A. Yes. I turned myself in to the marshal's office.

23 Q. Did you ultimately plead guilty in a court of law to that
24 crime?

25 A. Yes, I did.

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Velez - direct

1 Q. Can you tell us, in your own words, what you did that made
2 you guilty of the crime?

3 A. Well, I accepted money, bribes for the work that I was
4 giving Mr. Issa.

5 Q. What is your understanding about the maximum sentence you
6 face as a result of that crime?

7 A. 15 years in jail.

8 Q. Are you testifying here today as a result of what's called
9 a cooperation agreement with the government?

10 A. Yes.

11 Q. I am going to show you what's been marked for
12 identification as Government Exhibit 3549-16. Let me know when
13 it is up on your screen, Mr. Velez.

14 A. There it is.

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. Could we turn to the last page of this document, please?
18 Do you see your signature here, sir?

19 A. Yes.

20 Q. What is this document?

21 A. This is the cooperation agreement between myself and the
22 government.

23 MS. HANFT: The government offers Government Exhibit
24 3549-16?

25 MR. BRAFMAN: No objection.

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Velez - direct

1 THE COURT: Admitted.

2 (Government's Exhibit 3549-16 received in evidence)

3 BY MS. HANFT:

4 Q. Can we publish the first page of this document, please?

5 Mr. Velez, what are your responsibilities under this
6 cooperation agreement?

7 A. To meet with the government, tell the truth, cooperate and
8 assist the government, don't commit any more crimes, and to
9 come here and testify.

10 Q. Would you please blow up the third paragraph, here?

11 Take a look at these things, Mr. Velez. Are these the
12 responsibilities you just told us about?

13 A. Yes.

14 Q. If we could just page forward one more and finish the
15 paragraph?

16 Mr. Velez, if you meet your responsibilities and do
17 those things, what is your understanding of what the government
18 will do?

19 A. That they would submit a 5K1 letter to the Judge in my
20 case.

21 Q. What is your understanding of what a 5K1 letter is?

22 A. That it would tell all the good and all the bad in my life,
23 the cooperation that I gave -- that I helped the government in
24 this case. You know, I don't recall anything else right now.

25 Q. And who is that letter sent to?

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Velez - direct

1 A. The letter is sent to the judge in my case.

2 Q. What does it allow the judge to do?

3 A. To use it in consideration for my sentence.

4 Q. Has the government promised you a reduced sentence?

5 A. No.

6 Q. Has anyone promised you a reduced sentence?

7 A. No.

8 Q. Who decides what your sentence will be?

9 A. The Judge in my case.

10 Q. Will the government recommend any particular sentence for
11 you?

12 A. No.

13 Q. Do you hope to get a lower sentence because you cooperated?

14 A. Yes. Yes, I do.

15 Q. If the government writes the 5K1 letter you described, what
16 is the least amount of jail time the Judge can give you?

17 A. Zero.

18 Q. And even if you get the 5K1 letter, what is the most amount
19 of time the Judge can give you?

20 A. 15 -- 15 years.

21 Q. If you tell the truth at this trial and the defendant is
22 found not guilty, do you believe you will get the 5K1 letter?

23 A. Yes.

24 Q. And if you lie at this trial and the defendant is
25 convicted, do you believe you will get the 5K1 letter?

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Velez - direct

1 A. No.

2 Q. As you understand it, does the outcome of this trial affect
3 whether you will get the 5K1 letter?

4 A. No.

5 Q. Mr. Velez, when was the last time you spoke with Mr. Issa?

6 A. The last time I spoke with Mr. Issa is when he showed up in
7 the back of my house in his car.

8 Q. Was this before or after Mr. Issa had been arrested?

9 A. After.

10 Q. Was it before or after you had been approached by law
11 enforcement?

12 A. Before.

13 Q. We can take down the exhibit on the screen, please.

14 Where were you when you saw Mr. Issa that day?

15 A. I was getting home from work, it was late, it was dark, and
16 I had pulled into the driveway. Then I turned around because I
17 heard something and it was Mr. Issa's car, and Mr. Issa was in
18 the passenger side.

19 Q. You said you were getting home. Where were you living at
20 the time?

21 A. I lived in Pennsylvania, in Doylestown.

22 Q. And you said you saw a car. What kind of car was it?

23 A. It was a white Mercedes Benz.

24 Q. Could you see who was inside the white Mercedes Benz?

25 A. Mr. Issa and a driver, but I didn't get to see the driver.

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Velez - direct

1 I didn't know who it was.

2 Q. What, if anything, did Mr. Issa say?

3 A. That we needed to talk.

4 Q. Did you speak to him right there?

5 A. No. I was a little nervous so I didn't know what -- what
6 he was doing there at that time.

7 Q. Where, if anywhere, did you go?

8 A. We went to the Giant Super Market. It is like a Stop and
9 Shop here, it is the same sort of company but it is, over there
10 in Pennsylvania, Giant.

11 Q. Did you go there alone or with Mr. Issa?

12 A. With Mr. Issa in my car.

13 Q. What did you do when you got there?

14 A. We went in and went to the freezer aisle, I believe he
15 suggested to go to the freezer aisle.

16 Q. And what happened when you got to the freezer aisle of the
17 Giant?

18 A. He turned around, put his hands on me to check had me if I
19 had a wire, and I got annoyed so I turned around and did the
20 same thing to him, put my hands on him and said do you have a
21 wire.

22 Q. What, if anything, did Mr. Issa say?

23 A. He said you gotta help me, I need money.

24 Q. Did he say anything else during that conversation?

25 A. Yeah. It was -- it was about not saying that I was

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Velez - cross

1 receiving money from him, what he was doing was just doing work
2 for the post office, he didn't do anything wrong -- which
3 wasn't true.

4 Q. Did he tell you what, if anything to say, if you were
5 approached?

6 A. Yeah, to just -- that I didn't receive any money from him,
7 everything was legit and he was doing the work. That's
8 basically it.

9 MS. HANFT: One moment, please?

10 (Counsel conferring)

11 BY MS. HANFT:

12 Q. Mr. Velez, why did you believe that Mr. Issa was giving you
13 cash payments?

14 MR. BRAFMAN: Objection.

15 THE COURT: Objection is sustained.

16 MS. HANFT: No further questions of this witness, your
17 Honor.

18 MR. BRAFMAN: Should I proceed now, your Honor?

19 THE COURT: You may, Mr. Brafman.

20 MR. BRAFMAN: Thank you.

21 CROSS EXAMINATION

22 BY MR. BRAFMAN:

23 Q. Mr. Velez, good morning.

24 A. Good morning.

25 Q. You and I have never met, is that correct?

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Velez - cross

1 A. Correct.

2 Q. And you and I have never discussed this case?

3 A. No.

4 Q. Can you estimate for me how many times you think you have
5 been interviewed by either Agent Dubar from OIG or members of
6 the U.S. Attorney's office? Approximately.

7 A. 15 times, 12 times. Somewhere around there.

8 Q. 15 times, approximately?

9 A. Yeah.

10 Q. And when you are interviewed by them is there always
11 someone taking notes?

12 A. Yes.

13 Q. And you understand -- I just want to make sure you
14 understand that now that you're testifying, they have to turn
15 these notes over to us. Do you understand?

16 A. Yes.

17 Q. So I can show you these notes, if necessary, to refresh
18 your recollection. Okay?

19 A. Yes. Okay.

20 Q. So, you testified that you -- I want to start backwards and
21 I have got a lot of stuff to cover.

22 You testified that you went to see -- that Mr. Issa
23 went to see you after his arrest and you went to the
24 supermarket, correct?

25 A. Correct.

ICA5iss1

Velez - cross

1 Q. And you went to the freezer aisle?

2 A. Yes.

3 Q. Now, in any of the 15 interviews that you ever had with the
4 government, did you ever once tell them that you checked him
5 for a wire and he checked you for a wire?

6 A. The opposite way around. He checked me first and then I
7 checked him.

8 Q. Did you ever tell them that? You told them you went to the
9 freezer in the market, but did you ever tell them that he put
10 his hands on you and you put your hands on him, or vice versa?

11 A. Yes.

12 Q. You did. Okay.

13 Now, let's talk backwards from where you just left
14 off. You said that you gave Mr. Issa tons of work up in
15 Westchester, correct?

16 A. Yes.

17 Q. Now, let's just be clear about one thing. Mr. Issa was the
18 only vendor up there who could work at night at that time,
19 correct?

20 A. That's correct.

21 Q. So you needed people to do work overnight and return the
22 trucks in the morning, correct?

23 A. Yes, that's correct.

24 Q. And you knew that Healey Motors was capable of doing that?

25 A. Yes.

ICA5iss1

Velez - cross

1 Q. And in terms of the millions of dollars that you claim
2 Mr. Issa earned from the post office, there were thousands of
3 trucks repaired by him, correct?

4 A. Yes.

5 Q. And thousands and thousands of invoices submitted by him,
6 correct?

7 A. Yes.

8 Q. And some late and some not late, correct?

9 A. What do you mean?

10 Q. Some invoices were submitted late; you have talked about
11 that, correct?

12 A. A lot of the invoices. More than most.

13 Q. Okay, but we are talking about thousands of invoices,
14 correct?

15 A. Yes.

16 Q. Now, I want to give the jury an understanding of what's
17 involved in him working for you and him working up at Healey
18 for the post office. If he were to get a truck at 5:00 or 6:00
19 at night and the truck needed PMI it was, in most cases,
20 supposed to be returned in the morning, correct?

21 A. Correct.

22 Q. So you have to pick up the truck, do the PMI and deliver
23 the truck, correct?

24 A. Correct.

25 Q. And do the invoice and deliver it with the truck overnight?

ICA5iss1

Velez - cross

1 A. Correct.

2 Q. And you know that Mr. Issa didn't do the mechanical work
3 himself, correct?

4 MS. HANFT: Objection.

5 THE WITNESS: Correct.

6 THE COURT: The objection is overruled.

7 BY MR. BRAFMAN:

8 Q. You know that, right?

9 A. Yes.

10 Q. He had about 25 mechanics working for him up at Healey
11 Motors, right?

12 A. I don't know the amount.

13 Q. But he had a lot of people to do thousands of PMIs.

14 A. I didn't get to see the operation inside while they were
15 working on them. No, I don't.

16 Q. But you know there were many times when you were getting
17 trucks from Healey Motors when you knew that Mr. Issa was out
18 of town?

19 A. Yes.

20 Q. And the days when he also had to do emergency breakdowns,
21 tell the jury what that is?

22 A. An emergency breakdown would be called in. If a vehicle
23 was broken down they would call them, they would go with a tow
24 truck, go pick up the vehicle, bring it to the post office,
25 drop off the mail with the driver, then bring the truck over to

ICA5iss1

Velez - cross

1 Healey Motors via the tow truck, offload it, bring it into the
2 shop, and then work on it, fix it, bring it back to the station
3 before morning.

4 Q. So you had to get the truck, which could involve a drive of
5 over an hour on some occasions, correct?

6 A. Correct.

7 Q. Because this was Westchester County and it covers about an
8 8,000 square mile area your VMF, correct?

9 A. Correct. 11 counties, yes.

10 Q. Excuse me?

11 A. 11 counties.

12 Q. So, if you went from Poughkeepsie to go get a truck that
13 broke down 50 miles away, the time to get the truck could be an
14 hour or two, correct?

15 A. Correct.

16 Q. And then you have to hook up the truck, bring it back to
17 the post office so they could take the mail, correct?

18 A. Correct.

19 Q. And then you have to take the truck back to Healey Motors,
20 correct?

21 A. Correct.

22 Q. And then you have to unload it, put it up on lift, if
23 necessary, and do the work, right?

24 A. Correct.

25 Q. And you never knew in advance so he never knew in advance

ICA5iss1

Velez - cross

1 whether he was getting a truck with a bad tire or a truck that
2 had to have a whole chassis replaced, correct?

3 A. Correct.

4 Q. These trucks were in terrible shape as a practical matter,
5 is that true?

6 A. Yes.

7 Q. You had an aging fleet of thousands of trucks that were
8 almost 25 years old?

9 A. I only had 1,644 vehicles.

10 Q. I'm not talking about you, forget the post office in
11 general. You, alone, had 1,600 trucks, right?

12 A. Yes.

13 Q. And for the most part the trucks were -- some were as much
14 as 25 years old?

15 A. Little more than that.

16 Q. Okay. So now they had surpassed what you call the life
17 expectancy of these trucks when they were first put on the
18 road, correct?

19 A. Correct. They're 31, 30, and going down as far as --

20 Q. You had trucks as much as 30, 31 years old?

21 A. Yes.

22 Q. And would it be a fair statement that if the truck broke
23 down and they had to tow it and they had to bring it back, they
24 still needed to get it back to the post office at 5:00 or 6:00
25 in the morning so it wouldn't be taken out of service, correct?

ICA5iss1

Velez - cross

1 A. Correct.

2 Q. Was there any other vendor up in your area at the time that
3 could do that? Get the truck, bring it back, unload it, and
4 fix it, and give it to the post office?

5 A. No.

6 Q. So you were using Mr. Issa because, at least at the
7 beginning, you were trying to clean up the Westchester VMF when
8 you got there, correct?

9 A. Correct.

10 Q. And you had 1,600 trucks; most of them were way behind in
11 terms of maintenance, correct?

12 A. Correct.

13 Q. And it wasn't your fault, the people before you just were
14 either lax or inefficient or they didn't do the work, correct?

15 A. That is correct.

16 Q. And you were determined to make this work, correct?

17 A. Correct.

18 Q. And you knew, did you not, from going up to Healey Motors,
19 that Mr. Issa was investing a great deal of money in building
20 Healey Motors?

21 A. Correct.

22 Q. And you knew, did you not, that he was investing this money
23 because he had gotten a contract to do the work?

24 A. Yes.

25 Q. You know what an IDIQ contract is?

ICA5iss1

Velez - cross

1 A. Excuse me?

2 Q. IDIQ.

3 A. No, sir.

4 Q. You know that Mr. Issa got contracts through Philadelphia?

5 A. Yes.

6 Q. And do you know that an IDIQ contract or the contracts that
7 Mr. Issa got had a mandatory minimum, we have heard testimony
8 about, that means the post office had to pay him at least
9 \$250,000 if he didn't do any work?

10 MS. HANFT: Objection.

11 THE COURT: The objection is overruled.

12 MR. BRAFMAN: Thank you.

13 BY MR. BRAFMAN:

14 Q. You may answer.

15 A. I'm not aware of that part of it.

16 Q. You helped him get the contracts?

17 A. But the minimum amount of money is not -- that is not
18 accurate. If he does no work and gets \$250,000, that's not
19 true.

20 Q. So, if somebody testified to that they don't know what
21 they're talking about, right?

22 MS. HANFT: Objection.

23 THE COURT: The objection is overruled.

24 BY MR. BRAFMAN:

25 Q. You can answer.

ICA5iss1

Velez - cross

1 A. I -- I'm not going to put words in somebody else's mouth,
2 no.

3 Q. Now, when you were helping him with the paperwork to submit
4 the paper work to Philadelphia you needed the help up there,
5 did you not?

6 A. Yes.

7 Q. And you submitted the paperwork to get the help not because
8 anybody was paying you at the time. You really needed the
9 work, is that correct?

10 A. I needed the help but he gave me the incentive to help him
11 get the contract.

12 Q. You had the incentive to get it cleaned up. You got credit
13 for the clean-up in that VMF in Westchester, correct?

14 A. No.

15 Q. You didn't get credit.

16 Were you unhappy with the post office?

17 A. I didn't get any raises from them, no.

18 Q. You used to complain about that to Mr. Issa all the time,
19 right?

20 A. Yeah.

21 Q. And you worked hard, did you not?

22 A. A lot of hours.

23 Q. And you worked hard to make it a good VMF, right?

24 A. Yes.

25 Q. And you know, do you not, that you would never have caught

ICA5iss1

Velez - cross

1 up in the backlog of PMIs up in Westchester without Mr. Issa's
2 assistance?

3 A. That is true.

4 Q. Now, would it be a fair statement that in these periodic
5 interviews with the government, from time to time you either
6 changed what you said to them or corrected what you said to
7 them if you thought you had said something wrong?

8 A. To?

9 Q. To the government when you were being interviewed.

10 A. Yes. As I remembered stuff I would correct the --

11 Q. And they would help you remember stuff, right?

12 A. No, I had to answer it.

13 Q. I know you had to answer it but would they show you things
14 and tell you this must be right so you are wrong in what you
15 said? That kind of dialogue went on?

16 A. I don't recall that.

17 Q. Didn't you tell them in November of 2018, just a few weeks
18 before this trial started, that when you started taking money
19 from Mr. Issa you didn't even he think you were taking a bribe?

20 A. That is true.

21 Q. Now, let's go through a timeline and we will do it quickly
22 so that we understand where you were working and when you were
23 working.

24 In 2010, we will start there, you were a mechanic,
25 correct, working in the Bronx VMF?

ICA5iss1

Velez - cross

1 A. When I first started the post office?

2 Q. Yes.

3 A. Back in 1995.

4 Q. No, I am starting with 2010 so we speed it up.

5 In 2010, were you working in the Bronx for Tom
6 Skopack? You were working as a mechanic?

7 A. No.

8 Q. What were you working as?

9 A. I was actually a supervisor for Manhattan VMF.

10 Q. And then there was a period of time when you were the
11 acting manager in the Bronx, correct?

12 A. Yes.

13 Q. And then there was a period of time when you moved back to
14 Manhattan as a supervisor, correct?

15 A. Correct.

16 Q. And then there was a period of time when the Bronx closed,
17 correct, end of 2011?

18 A. Yes. I went back up there to close it, yes.

19 Q. And it was shut down, correct?

20 A. Yes, sir.

21 Q. So all of the post office trucks that needed service in the
22 Bronx now had to come to Manhattan, correct?

23 A. Correct.

24 Q. And then you went to Manhattan, correct?

25 A. Yes. I went to Manhattan.

ICA5iss1

Velez - cross

1 Q. And you felt overwhelmed? Is that a correct word you used
2 sometimes?

3 A. We all did, because it was far up to get the vehicles in
4 the traffic from Manhattan to the Bronx.

5 Q. And it was a very complicated process to get the trucks,
6 bring them back, do the work, and get them back again, correct?

7 A. Yes.

8 Q. And the VMF that you were managing, despite your best
9 effort, simply couldn't handle it; is that correct?

10 A. I wasn't managing the Manhattan VMF.

11 Q. Were you working then?

12 A. I was a supervisor, I wasn't managing.

13 Q. As a supervisor did you have the opportunity to see that
14 you were not able to meet the demands on a regular, timely
15 basis?

16 A. There were several supervisors there so I was only one.

17 Q. I'm not blaming you, I'm asking you. As a supervisor, did
18 you notice that once the Bronx closed you were overwhelmed with
19 work down there to try and get everything done on a timely
20 basis?

21 A. Yeah, I was -- it was difficult.

22 Q. It was chaotic at times I think you said, right?

23 A. Difficult, yeah.

24 Q. And did you use outside vendors at the time?

25 A. There was a few. Down in Manhattan we had few vendors, we

ICA5iss1

Velez - cross

1 didn't have that many.

2 Q. Now, in 2012 there was an incident where you left the post
3 office for six months, correct?

4 A. Yes.

5 Q. Joe Glenn, a post office employee, hit you in the face with
6 a phone?

7 A. Yes.

8 MS. HANFT: Objection.

9 MR. BRAFMAN: Your Honor, this is relevant.

10 THE COURT: Excuse me. Ground?

11 MS. HANFT: Relevance.

12 THE COURT: Overruled until I see where we are going.

13 MR. BRAFMAN: Thank you.

14 BY MR. BRAFMAN:

15 Q. You were out of the post office during that period of time
16 for six months, correct?

17 A. Correct.

18 Q. Were you being paid from the post office during that
19 period?

20 A. My sick leave, yeah. I was using my sick leave.

21 Q. I'm sorry?

22 A. I was using my sick leave.

23 Q. And you went to a -- you were treated by a therapist or
24 psychiatrist who gave you an antianxiety medication, correct?

25 A. Correct.

ICA5iss1

Velez - cross

1 THE COURT: The objection is sustained.

2 BY MR. BRAFMAN:

3 Q. Well, did you ultimately go back to the post office?

4 A. Yes.

5 Q. You went back and ultimately, in June 2013, you went back
6 to where?

7 A. It was actually February or March.

8 Q. And when you went back to the post office, did you go back
9 to Manhattan?

10 A. Manhattan VMF, yes.

11 Q. And your assignment was to go all over the town to find
12 post offices and help them get the Voyager system working,
13 right?

14 A. To get the Voyager system up and running, yeah, because it
15 was a lot of issues.

16 Q. And then, in September 2013, you ultimately go to
17 Westchester and you become the acting manager in about
18 mid-2014, correct?

19 A. No.

20 Q. When did you become acting manager?

21 A. September -- September 17th of 2013.

22 Q. And you were replacing James Fulton?

23 A. I should have replaced him but he was sort of about -- he
24 was under investigation.

25 Q. But he stayed there for a while, right?

ICA5iss1

Velez - cross

1 A. He stayed there and didn't want to leave the post but he
2 was removed from the post so I was there until he came back. I
3 requested to come back down to Manhattan.

4 Q. To take over.

5 A. Yeah, but he wound up taking a job at another facility so
6 he transferred out and then they left me there.

7 Q. You knew, did you not, that part of the reason that the
8 Westchester VMF was in such a state of disrepair is because
9 Mr. Fulton was holding down two jobs and he was sleeping in the
10 VMF office?

11 MS. HANFT: Objection.

12 THE COURT: The objection is sustained.

13 MR. BRAFMAN: May we have a side bar so I can explain?

14 THE COURT: The objection is sustained.

15 MR. BRAFMAN: Can I explain the relevance?

16 THE COURT: Move on. The objection is sustained.

17 BY MR. BRAFMAN:

18 Q. So, when you got to the VMF you found that they were 2,100
19 vehicles behind in PMI inspections, correct?

20 A. Correct.

21 Q. That's over 2,000 PMI inspections that had not been done,
22 right?

23 A. Correct.

24 Q. And the PMI inspections are supposed to be done to ensure
25 the safety and working condition of the trucks?

ICA5iss1

Velez - cross

1 A. Correct.

2 Q. So, by the time you got there, as a result of things having
3 nothing to do with Mr. Issa, the office was in utter chaos
4 because you needed to get 2,100 trucks inspected, fixed, and
5 back on the road?

6 A. Correct.

7 Q. And you enlisted Mr. Issa's help because it was the only
8 place in White Plains, in Westchester, that could fit the
9 trucks into their garages, correct?

10 A. He was not in Westchester yet.

11 Q. I'm sorry. But he was going to be up in Healey, he was
12 opening the place, correct?

13 A. He was First Star down in the Bronx. He was trying to
14 solicit me to get the work from Westchester down to the Bronx
15 to get them fixed.

16 Q. And then he opened Healey?

17 A. Yes.

18 Q. And he opened Healey and invested all the money in Healey
19 that you have testified to because you told him about the
20 condition of the Westchester VMF and you assured him that you
21 would be able to give him work, correct? That's the truth,
22 isn't it?

23 A. There is a little more to that.

24 THE COURT: Well, is that part of it true?

25 THE WITNESS: Yes.

ICA5iss1

Velez - cross

1 THE COURT: Fine. If there is more to tell the
2 prosecutor will ask you to say more.

3 THE WITNESS: Okay.

4 THE COURT: But, please, just answer Mr. Brafman's
5 question.

6 THE WITNESS: Yes. Yes, your Honor.

7 BY MR. BRAFMAN:

8 Q. Now, you talked about there were dinners that you talked
9 about going out to dinner with Mr. Issa and we saw pictures of
10 different places and you told us of different places. Isn't it
11 true that on virtually all of those dinners it was you,
12 Mr. Issa, and several of his employees?

13 A. Not all the time.

14 Q. A lot of them?

15 A. Yes.

16 Q. And that the employees were Stephanie and Jasmine and
17 Claudia and a number of people who worked for him that you got
18 to know fairly well, correct?

19 A. Correct.

20 Q. And at the time you were separated and you hung out with
21 these people as friends, did you not?

22 A. Yes.

23 Q. And you went to dinner and everybody got drunk sometimes
24 and you got drunk, Mr. Issa had to carry you home. Remember
25 that night?

ICA5iss1

Velez - cross

1 A. Yes.

2 Q. So you were sitting out there, you saw this dinner with his
3 employees as a bribe or as a friendly dinner?

4 A. I saw it as a friendly dinner, but.

5 Q. And you said that Mr. Issa paid for these dinners. It
6 wasn't just you there, he was paying for all of his employees
7 too, right?

8 A. Yes.

9 Q. So it is not like he took you out that night with all of
10 these people, everybody got drunk, and then he decided to let
11 everybody chip in at the dinner. That wasn't his style, was
12 it?

13 A. No.

14 Q. Let's talk about the relationship that you had with
15 Mr. Issa as it began.

16 Would it be a fair statement that despite the money,
17 which you have talked about, we will get to that in a minute,
18 would it be a fair statement that you ended up as Tony Issa's
19 friend at the beginning and during the relationship for a
20 period of time?

21 A. Yes.

22 Q. And you confided in him about personal matters?

23 A. Yes.

24 Q. And you sought his advice on personal matters?

25 A. I don't know about advice. I can't recall.

ICA5iss1

Velez - cross

1 Q. Well, let's just go through a list of things that you will,
2 I think agree, were personal matters that you spoke to Mr. Issa
3 about.

4 Did you tell him about your wife's physical condition?

5 MS. HANFT: Objection.

6 THE COURT: The objection is sustained.

7 MR. BRAFMAN: Your Honor, we must have a side bar.

8 THE COURT: No, we must not, Mr. Brafman. You may ask
9 your next question.

10 MR. BRAFMAN: Your Honor, this goes to the --

11 THE COURT: Mr. Brafman, I said no and that's the end
12 of it. When I say no I mean no.

13 MR. BRAFMAN: I would like to explain why. Sometimes
14 you say no, I explain why, and then you say yes.

15 THE COURT: Mr. Brafman, ask your next question.

16 BY MR. BRAFMAN:

17 Q. Didn't you tell him you needed money to help your wife
18 because she was disabled?

19 MS. HANFT: Objection.

20 THE COURT: The objection is sustained.

21 BY MR. BRAFMAN:

22 Q. You testified, on direct examination, that when you were
23 down in Florida there was a time when you engaged with a
24 prostitute. Do you remember that question on direct
25 examination?

ICA5iss1

Velez - cross

1 A. Yes.

2 Q. Hadn't you told Mr. Issa that, as a result of your wife's
3 condition, you hadn't had sex in a long time?

4 MS. HANFT: Objection.

5 MR. BRAFMAN: Your Honor, they opened this.

6 THE COURT: The objection is sustained.

7 MR. BRAFMAN: Your Honor, I need to stop.

8 THE COURT: Then fine, sit down. You're done.

9 MR. BRAFMAN: No, I need to continue but I need to
10 stop for a minute.

11 THE COURT: Take a deep breath.

12 BY MR. BRAFMAN:

13 Q. When you were at that strip club in Florida with Junior and
14 about five or six other people, did you pay for any of the lap
15 dances down there?

16 A. No, sir.

17 Q. They all paid for you, right? Not just Mr. Issa?

18 A. I don't know who paid but it wasn't me. When I got cash it
19 was Mr. Issa would hand me cash.

20 Q. And you went in the back and you had sex with a woman?

21 A. Yes, I did.

22 Q. And that just happened out of the blue or did you and
23 Mr. Issa have a discussion about this before?

24 A. About?

25 Q. Didn't you tell the government that you had sex with the

ICA5issl

Velez - cross

1 woman down there because you hadn't had sex in a long time?

2 MS. HANFT: Objection.

3 THE COURT: The objection is sustained. I am ruling
4 that the reason why is irrelevant. Okay?

5 MR. BRAFMAN: It's not.

6 THE COURT: I made that ruling. Move on. You have
7 your exception.

8 BY MR. BRAFMAN:

9 Q. Did you complain about the post office only giving you a 1
10 percent raise despite your hard work?

11 A. Yes.

12 Q. Why did you tell him that?

13 A. I was frustrated.

14 Q. And did you try and have Mr. Issa share your frustration?

15 A. No. I just brought it up in conversation because I was
16 frustrated.

17 Q. Something you would say to a friend?

18 A. Yeah.

19 Q. Now, you told us on direct examination that Mr. Issa had
20 you fix your teeth and he treated you to dentures?

21 A. Yes.

22 Q. It didn't just happen one day, there was a constant
23 discussion about this that went on for months. Isn't that
24 true?

25 A. No.

ICA5iss1

Velez - cross

1 Q. Didn't you get a ribbing from everybody about the fact that
2 you had no lower teeth?

3 A. They used to rib me but I had no choice.

4 Q. You had no teeth, right?

5 A. I had failing teeth.

6 Q. And Mr. Issa said to you just get new teeth, correct?

7 A. Yes.

8 Q. And you said I can't afford it?

9 A. Yeah.

10 Q. And Mr. Issa said do it, I'll take care of it. Right?

11 A. Yes.

12 Q. And you saw that as a bribe?

13 A. Well, I paid for it -- he said pay for it and I will give
14 you the money.

15 Q. Okay, but it was to get teeth, right?

16 A. Correct.

17 Q. And you saw that as a bribe or as an act of compassion?

18 A. I thought he was doing it being nice to me.

19 Q. Thank you.

20 Now, in October of 2014 you testified that you flew to
21 Florida again with Mr. Issa, right?

22 A. Yes.

23 Q. And this time it was just him and you and it was none of
24 the other pals, right?

25 A. Nobody else, no.

ICA5issl

Velez - cross

1 Q. Not Junior or anybody else?

2 A. Right.

3 Q. And that's when you took the photo on the plane, the selfie
4 of you and Mr. Issa on the plane, right?

5 A. Correct.

6 Q. And when you got to Florida you knew that Mr. Issa was
7 attending a post office conference, right?

8 A. Yes.

9 Q. Tell us what you understand that to mean.

10 A. It was a postal conference, they call it a PCC, Postal
11 Service CCC. He went there to meet, interact with other
12 vendors and post office officials in Florida.

13 Q. And you knew that these conferences were held from time to
14 time, correct?

15 A. Yeah. And I stood back in the hotel, yes.

16 Q. You didn't go to the conference, it was just Mr. Issa?

17 A. No, because you had to pay to get in and it is boring. I
18 have been to them.

19 Q. He didn't pay for you to go to the conference, right?

20 A. No.

21 Q. And you stayed in Florida and I think you told us you
22 basically drove around, right?

23 A. Yeah, drove around.

24 Q. And you had a hair cut?

25 A. Yes, sir.

ICA5iss1

Velez - cross

1 Q. Did he pay for the hair cut?

2 A. No.

3 Q. You paid for that yourself?

4 A. Yes.

5 Q. Now, when you went out to dinner in Florida, did Mr. Issa
6 pay for the dinner?

7 A. Yes.

8 Q. Now, when you went to another postal conference -- sorry
9 with you went to another trip with Mr. Issa, that was in
10 Washington, D.C., correct?

11 A. I drove there on my own.

12 Q. But you met him there?

13 A. Yes.

14 Q. He had already made the arrangements for himself to go and
15 again it was a post office conference, correct?

16 A. Yes.

17 Q. So he didn't treat you to the trip, did he?

18 A. No.

19 Q. In fact, when you got there you stayed in his room with him
20 that he had already paid for, correct?

21 A. That is correct.

22 Q. So there is nothing about that trip that had Mr. Issa
23 giving you anything to influence you, was there?

24 A. No. We just went out to dinner with all the employees of
25 his.

ICA5iss1

Velez - cross

1 Q. And all the employees were at the same dinner, correct?

2 A. Yes.

3 Q. And Mr. Issa picked up the check for all of his employees,
4 correct?

5 A. Correct.

6 Q. He didn't ask you to kick in your one-seventh share, right?

7 A. Correct.

8 Q. But when you went there he didn't pay for your trip there,
9 he didn't hang out with you at the conference, and he didn't
10 get you your separate hotel room, correct?

11 A. Correct.

12 Q. Now, would it be a fair statement that you took your job
13 very seriously at the VMF?

14 A. Yes.

15 Q. And that you would not do anything to compromise the post
16 office in terms of danger or work, correct?

17 A. Correct.

18 Q. And you told that to the government on a number of
19 occasions, correct?

20 A. Yes.

21 Q. And you were being truthful, correct?

22 A. Yes, sir.

23 Q. Did you tell the government that the Westchester VMF was
24 sort of like a revolving door before you got there?

25 A. Yes, it was.

ICA5iss1

Velez - cross

1 Q. And when you use that expression, explain to the jury what
2 you mean in terms of the VMF being a revolving door?

3 A. There was a lot of people going in as managers and then
4 would leave because it was a mess, the place was a mess. So,
5 when I got there, I, you know, rolled up my sleeves and started
6 to work to get it fixed.

7 MR. BRAFMAN: Now, if I may ask for identification for
8 us to be able to use either the ELMO, your Honor to show --

9 THE COURT: Whatever works for you, Mr. Brafman.

10 MR. BRAFMAN: This is going to be for the witness,
11 lawyers and the Judge, correct?

12 MR. GOLD: Yes.

13 THE COURT: It is a little blurry.

14 MR. BRAFMAN: I know.

15 BY MR. BRAFMAN:

16 Q. This is Defendant's Exhibit 271. Do you recognize this
17 photograph?

18 A. Yes.

19 Q. Is that the place you saw in Poughkeepsie which was Healey
20 Motors?

21 A. Yes.

22 Q. And that was the place Mr. Issa built?

23 A. Yes.

24 Q. I want to show you --

25 MR. BRAFMAN: Your Honor, I offer no. 271.

ICA5iss1

Velez - cross

1 THE COURT: Any objection?

2 MS. HANFT: No objection.

3 THE COURT: Admitted.

4 (Defendant's Exhibit 271 received in evidence)

5 BY MR. BRAFMAN:

6 Q. And you went up there and you toured this facility,
7 correct?

8 A. Yes.

9 Q. I want to show you Exhibit 274 for identification -- just
10 show it to him first -- this is the inside of Healey Motors,
11 correct?

12 A. Yes.

13 Q. And do you know who built all of these lifts and hydraulic
14 lifts and posts?

15 A. That warehouse was empty and he was in the process of
16 getting all of that installed.

17 Q. And is that the common equipment that you need in A VMF
18 repair facility or independent contractor to repair postal
19 trucks?

20 A. Yes.

21 MR. BRAFMAN: I offer 274.

22 THE COURT: Any objection?

23 MS. HANFT: Your Honor, we don't know where the
24 picture is from. Again, we have --

25 THE COURT: He has just identified it.

ICA5iss1

Velez - cross

1 MS. HANFT: I apologize, your Honor. I mean when it
2 was from.

3 THE COURT: Oh, that's quite all right. I'll admit
4 it.

5 MS. HANFT: Thank you.

6 MR. BRAFMAN: Thank you, your Honor.

7 (Defendant's Exhibit 274 received in evidence)

8 BY MR. BRAFMAN:

9 Q. This is the inside of Healey Motors under construction,
10 correct?

11 A. Yes.

12 Q. Now, you know, do you not, do you recognize post office
13 trucks when you see them? Would that be a fair statement?

14 A. Yes.

15 Q. And I'm going to show you -- and only for the witness --
16 Exhibit 264. That's a post office truck?

17 A. Yes.

18 Q. The kind that gets repaired by Mr. Issa and other
19 contractors?

20 A. Yes.

21 Q. And you recognize it to be inside what you have identified
22 as Healey Motors?

23 A. Yes. That's an FFV.

24 Q. Bigger truck than --

25 THE COURT: The question is can you identify the place

ICA5iss1

Velez - cross

1 where it is.

2 THE WITNESS: Yes.

3 BY MR. BRAFMAN:

4 Q. Healey Motors?

5 A. That's inside their shop, yes.

6 Q. That's an official U.S. Postal truck, right?

7 A. Yes.

8 MR. BRAFMAN: I offer into evidence 264.

9 MS. HANFT: No objection.

10 THE COURT: Admitted.

11 (Defendant's Exhibit 264 received in evidence)

12 BY MR. BRAFMAN:

13 Q. Does the jury have it?

14 MR. GOLD: Yes.

15 Q. Now I'm going to show just the jury please, first, Exhibit
16 266 for identification, first. Do you recognize this as a
17 truck on a lift on the inside of Healey Motors?

18 A. Yes.

19 MR. BRAFMAN: I offer 266.

20 MS. HANFT: No objection.

21 THE COURT: Admitted.

22 (Defendant's Exhibit 266 received in evidence)

23 BY MR. BRAFMAN:

24 Q. I want to ask you a question about this photograph in
25 particular. Can you identify the kind of truck that's up

ICA5iss1

Velez - cross

1 there?

2 A. Yes.

3 Q. What is it?

4 A. That's an FFV. Flex --

5 Q. F-like-in-Frank, F-like-in-Frank, V?

6 A. It is called a flex fuel vehicle.

7 Q. How many of the 1,600 trucks that you have are this type of
8 truck?

9 A. The box truck like that there is two different types.

10 Q. Okay.

11 A. There is an LLV, a long life vehicle that looks like this
12 which is a General Motors built, and this is an FFV which is a
13 flex fuel vehicle which looks similar but this type of vehicle,
14 we had 1,200 of them.

15 Q. And 1,200 that would need PMIs twice a year?

16 A. Yes.

17 Q. And any other types of repairs in the interim that might
18 come up, yes?

19 A. Yes.

20 MR. BRAFMAN: I am offering this into evidence, your
21 Honor. It is already in evidence.

22 THE COURT: It is admitted, yes.

23 BY MR. BRAFMAN:

24 Q. Now I am going to show the witness 268 for identification.
25 Do you see that?

ICA5iss1

Velez - cross

1 A. Yes.

2 Q. And this is also a series of post office trucks inside the
3 Healey Motors Center, correct?

4 A. Yes.

5 MR. BRAFMAN: I offer this into evidence.

6 MS. HANFT: No objection.

7 THE COURT: Admitted.

8 (Defendant's Exhibit 268 received in evidence)

9 MR. BRAFMAN: Can I show this to the jury, your Honor?

10 THE COURT: You may.

11 BY MR. BRAFMAN:

12 Q. Looking at this picture, sir, can you tell me how many post
13 office trucks you see in there at the same time?

14 A. Right now in this picture there is probably about seven.

15 Q. And would that be customary, or low or high, for Healey
16 Motors to have that many trucks in there at the same day?

17 A. That's normal.

18 Q. That's normal, right?

19 A. Yes.

20 Q. So at the very least we have, in this day, at least seven
21 trucks being worked on that need to be out the same day?

22 A. Yes.

23 Q. And you have no idea, by looking at these pictures, the
24 kind of repair or work that has to be done perhaps in addition
25 to the PMI, correct?

ICA5iss1

Velez - cross

1 A. Correct.

2 Q. All of those trucks, after they're repaired, they need to
3 be invoiced, correct?

4 A. They need what?

5 Q. To be invoiced, repaired.

6 A. Yes, the invoices needed to be made.

7 Q. And if they weren't invoiced Mr. Issa would not get paid?

8 A. Correct.

9 Q. So it was in his interest to at least prepare invoices,
10 correct?

11 A. Correct.

12 Q. Now, do you have an understanding as to who the person was
13 who is responsible for the invoicing up in Westchester VMF --
14 I'm sorry, Healey Motors?

15 A. For Healey Motors, two people.

16 Q. Who are they?

17 A. Pam Keil, who is the manager up there; and Mr. Issa's son,
18 Tarik Issa.

19 Q. And when you had issues concerning the invoices that's who
20 you would talk to, correct?

21 A. Constantly.

22 Q. From time to time?

23 A. Constantly.

24 Q. And you would tell them get your invoices in, correct?

25 A. And -- yes. There is more to that, yes.

ICA5iss1

Velez - cross

1 Q. Okay, but you could tell them get your invoices in and some
2 of them are not correct, right?

3 A. Right.

4 Q. Now, of the thousands of invoices and car/trucks that
5 Mr. Issa worked on, there was back and forth with respect to at
6 least some of them, correct?

7 A. Yes.

8 Q. Now, do you remember how far back, in the post office in
9 connection with Mr. Issa trying to get work, that you learned
10 that he was soliciting work from the post office long before he
11 met you?

12 MS. HANFT: Objection.

13 MR. BRAFMAN: I will rephrase the question.

14 THE COURT: Thank you.

15 BY MR. BRAFMAN:

16 Q. Can you tell me sir, do you know who Anna Maria Delillo is?

17 A. Delillo, yes.

18 Q. Who is she?

19 A. She was a contracting agent down in Philadelphia CMC.

20 Q. Did she tell you -- did she and you ever discuss First Star
21 Auto?

22 A. Yes.

23 Q. And did you ever see a memo sheet prepared which you saw a
24 copy of?

25 A. Yes.

ICA5iss1

Velez - cross

1 Q. And in the memo, if you recall -- I am going to get the
2 memo--can I have 3549-02?

3 Sorry, your Honor. We are pulling it up on computer
4 screen, your Honor, for the witness.

5 THE COURT: Okay.

6 MR. BRAFMAN: Your Honor, I'm going to show it to the
7 witness, the government, and your Honor.

8 Q. I am going to ask you to look at this and then you can tell
9 me if you need to refresh your recollection, you can refer to
10 it. All right? It is 3549-02, only look at it if you need to
11 refresh your recollection. I will ask you questions and then
12 you tell me whether you need to refresh your recollection.

13 MS. HANFT: Your Honor, I would ask the first question
14 whether he has seen this before.

15 MR. BRAFMAN: I'm sorry.

16 MS. HANFT: Can you ask whether you have seen this
17 before.

18 BY MR. BRAFMAN:

19 Q. Have you seen this document before?

20 A. Yes.

21 Q. Okay.

22 Ms. Delillo, is she a superior person in the post
23 office to where you are?

24 A. I don't know what her level was at Philadelphia CMC so I
25 couldn't tell you.

ICA5iss1

Velez - cross

1 Q. Philadelphia CMC is where --

2 A. Philadelphia, Pennsylvania.

3 Q. Right.

4 A. It is a contracting management center.

5 Q. And every person who wants to do contracting for the post
6 office, these are like contracting officers who sign off on the
7 contract, right?

8 A. For vehicle maintenance, yes, was down there.

9 Q. Do you remember being told at or about December of 2011
10 that First Star should be used in the Bronx?

11 A. Yes. I put down --

12 Q. Does it refresh your recollection that you were told that?

13 A. Yes.

14 Q. And does it -- and do you need to refresh your
15 recollection, were you told, also, that they charged a lot less
16 for A inspections?

17 A. Yes.

18 Q. What is an A inspection? Part of the PMI?

19 A. Yes.

20 Q. And the Philadelphia office was telling you that First Star
21 also charges less for fluids; isn't that correct?

22 MS. HANFT: Objection.

23 THE COURT: Ground?

24 MS. HANFT: He is reading from a document not in
25 evidence and it is hearsay.

ICA5issl

Velez - cross

1 MR. BRAFMAN: I will ask the question rather than --

2 THE COURT: That's fine, Mr. Brafman. Go ahead. Ask
3 the question.

4 BY MR. BRAFMAN:

5 Q. Were you told that First Star charges less for their
6 fluids, correct?

7 A. I don't recall at the moment.

8 Q. Look at the document and see if it refreshes your
9 recollection?

10 THE COURT: Does reading that document jog your memory
11 that you were told that so that you remember as you sit here
12 today?

13 MR. BRAFMAN: Do you see where I'm pointing?

14 THE COURT: Don't do that.

15 Look at the document and see if it jogs your memory
16 about what First Star charged for --

17 THE WITNESS: Yes.

18 BY MR. BRAFMAN:

19 Q. It does? Thank you.

20 First Star was Mr. Issa's company, correct, in 2011?

21 A. Yes.

22 Q. And you knew that, right?

23 A. In December, yes.

24 Q. And did Ms. Delillo, do you recall being told also that
25 First Star has 16 locations?

ICA5iss1

Velez - cross

1 MS. HANFT: Objection.

2 THE COURT: The objection is sustained.

3 MR. BRAFMAN: I don't understand.

4 THE COURT: Don't say "do you recall being told."

5 That's an out-of-court statement. You can ask him a question,
6 was First Star blah, blah, blah.

7 MR. BRAFMAN: Okay.

8 BY MR. BRAFMAN:

9 Q. Did you know that First Star had 16 service locations
10 around the Bronx?

11 A. I was told that there was but I --

12 THE COURT: Did you know? Did you know?

13 THE WITNESS: I, no.

14 THE COURT: Okay.

15 THE WITNESS: No, ma'am.

16 BY MR. BRAFMAN:

17 Q. Did you understand, in 2011, whether First Star had handled
18 all types of post office vehicles?

19 THE COURT: Did you have an understanding back then?

20 THE WITNESS: Yes.

21 BY MR. BRAFMAN:

22 Q. And we are talking some are LLVs are and some are 7-ton
23 trucks, correct?

24 A. Yes.

25 Q. And one of the problems you and the post office had is the

ICA5issl

Velez - cross

1 truck couldn't even get into the garage, correct?

2 A. Correct.

3 Q. And Mr. Issa had the facility to have that truck back in
4 and be worked on, correct?

5 A. Yes.

6 Q. And that was a big draw for Mr. Issa as a contractor,
7 correct?

8 A. Yes.

9 Q. Now, did you know also whether or not First Star had the
10 capacity to handle 50 trucks at a time?

11 A. I wasn't sure if he could do that.

12 Q. 25?

13 A. Probably about 20, 25. Yeah.

14 Q. What other vendor at that time, that you were aware of, had
15 that capacity?

16 A. There was a place out in Long Island but they were kind of
17 far out.

18 Q. You would have to drive all the way out to Long Island to
19 get the truck repaired, right?

20 A. Exit 64, yes.

21 Q. And if you were trying do that in traffic you could be on
22 there for two or three hours with the truck, right?

23 A. Yes.

24 (Continued on next page)

25

ICAHIss2

Velez - Cross

1 Q. If you were towing the truck, it would be driving slow?

2 A. Yes.

3 Q. And then after it was fixed, you'd have to bring the truck
4 all the way back into Manhattan, correct?

5 A. We tried that, yes.

6 Q. It didn't work, right?

7 A. No.

8 Q. It was impossible to do it in the same day?

9 A. I would lose personnel for just about, two people going and
10 two people coming back, probably about six hours.

11 Q. Just a waste of time?

12 A. Yes, sir.

13 Q. Then it was almost impossible, if you had the work done, to
14 fight the traffic in the morning to get it back on time?

15 A. Correct.

16 Q. When the truck wasn't back on time, it cost the post office
17 not just money, sometimes mail wasn't delivered, correct?

18 A. Correct.

19 Q. All right. Now, you ever tell the government while you
20 were being debriefed that you're going to go to jail whether
21 you're telling the truth or not?

22 A. Yes.

23 Q. So you were frustrated by the knowledge that even if you
24 told the truth, you might go to jail?

25 A. Yes.

ICAHIss2

Velez - Cross

1 Q. And even if you didn't tell the truth, you might go to
2 jail?

3 A. Yes.

4 Q. At times you didn't know what to do, correct?

5 A. I just told the truth.

6 Q. You told them that you were going to go to jail whether or
7 not you told the truth, correct?

8 A. I don't remember saying that.

9 MR. BRAFMAN: Can we show the witness 3500 -- I'm
10 sorry, we marked it. It's 3549-18, but we're making it as
11 Defense Exhibit 206.

12 Q. Now, you remember you said before when you were interviewed
13 by the government someone was always taking notes?

14 A. Yes, sir.

15 Q. Ultimately, do you know whether those notes were then
16 turned into typed reports?

17 A. I never saw it, so I don't know.

18 Q. But to the extent that I'm going to show you something to
19 refresh your recollection, I'm representing to you that we got
20 this from the government, OK?

21 A. OK, sir.

22 Q. Now, I want to -- this is just for the witness and the
23 Court.

24 This is marked Defendant's Exhibit 206, which is also
25 3549-18. Do you remember being interviewed by the government

ICAHIss2

Velez - Cross

1 in or about January 19, 2017?

2 A. Yes.

3 Q. And the interview location was the White Plains maintenance
4 facility, correct?

5 MS. HANFT: Objection.

6 THE COURT: I'm sorry. Ground?

7 MS. HANFT: He's pointing at the document. He's
8 essentially reading from a document.

9 THE COURT: Take the document off the screen.

10 MR. BRAFMAN: Let me just ask the question.

11 THE COURT: Yes, that would be really nice if you
12 would just do that.

13 Q. Mr. Velez, do you recall being interviewed on January 19,
14 2017 --

15 A. Yes.

16 Q. -- at White Plains maintenance facility by government
17 agents?

18 A. Yes.

19 Q. Do you remember talking to them for quite some time?

20 A. Yes.

21 Q. And I'm going to ask you, sir, on that date, did you tell
22 the government that you didn't feel that Healey, meaning Healey
23 Motors, was doing anything wrong?

24 A. Yes.

25 Q. Did you tell them that they were fixing the vehicles?

ICAHIss2

Velez - Cross

1 A. Yes.

2 Q. Did you tell them that you feel that you were going to jail
3 whether you tell the truth or not, correct?

4 A. Yes, I recall now, yes.

5 Q. Now, did you tell the agents that you confronted Mr. Issa
6 from time to time, and he would correct the work if there was a
7 problem, correct?

8 A. Yes.

9 Q. Wasn't that also the familiar procedure with vendors in
10 general if they brought something back and it wasn't fixed
11 properly, that you would talk to them and give them a chance to
12 correct it?

13 A. Yes.

14 Q. And from time to time, you talked to Mr. Issa about an
15 invoice or work and you asked him to fix it, and you told the
16 agents he did?

17 A. Yes.

18 Q. You also told the agents that when Mr. Issa got his
19 contract from Philadelphia he was the lowest bid?

20 A. At that time, yes.

21 Q. There were two other bids submitted for competitive
22 bidding?

23 A. Yes.

24 Q. And you helped him through the paperwork, right?

25 A. I submitted it to Philadelphia. They choose. I don't get

ICAHIss2

Velez - Cross

1 to choose.

2 Q. So they chose Issa, not you?

3 A. Right.

4 Q. Once they had the contract, Philadelphia decided he should
5 get the work if it was available --

6 A. Yes.

7 Q. -- and it was needed, correct?

8 A. Correct.

9 Q. One of the reasons you wanted him to get a contract was
10 because you wanted him to be able to do the work because no one
11 was helping you do the work?

12 A. It was difficult up in the Bronx, yes.

13 Q. Now --

14 A. But that contract from Manhattan wasn't me.

15 MR. BRAFMAN: May I have just a minute, your Honor?

16 THE COURT: Yes.

17 Q. When you were confronted by the government, did you tell
18 them that you would not accept any shoddy work from Mr. Issa
19 and that he did not do shoddy work?

20 A. I remember putting that on a statement, yes.

21 Q. When you said that to them, this was you not yet having
22 your cooperation agreement, correct?

23 A. Yes.

24 Q. It was before you had your cooperation agreement, correct?

25 A. Correct.

ICAHIss2

Velez - Cross

1 Q. And it was you being confronted by agents who said, Tell us
2 the truth, correct?

3 A. Yes.

4 Q. And at that time you said to them, "I did not accept shoddy
5 work from Mr. Issa, and he didn't give me shoddy work,"
6 correct?

7 A. Correct.

8 Q. And you went further. You said, "I would never accept
9 shoddy work on behalf of the post office; that's not me,"
10 right?

11 A. That's correct, put on the statement.

12 Q. But what you put on the statement, it was a statement you
13 signed under oath?

14 A. No, I didn't -- I didn't swear to anybody.

15 Q. Did they tell you it might be a crime to talk to a
16 government agent even when you're not under oath, and if you
17 intentionally lie, that that could be a five-year penalty?

18 A. I don't recall that being told to me, but that's what I
19 wrote down.

20 Q. They gave you a bunch of rights before they talked to you,
21 right?

22 A. No. What I was told was something different.

23 Q. As a post office employee, you're basically told you had to
24 talk to them?

25 A. Yes, I spoke to them.

ICAHIss2

Velez - Cross

1 Q. Now, did you also tell them that when Mr. Issa worked for
2 you in the Bronx, he was a good fit -- a good fit to keep the
3 vehicles repaired?

4 A. Up in the Bronx, yes.

5 Q. Did you tell them that you were not wanting to give him any
6 work until he had a really certified contract from
7 Philadelphia?

8 A. Yes, I stopped him from work, yes.

9 Q. And Mr. Issa, instead of bribing you to get work, he went
10 to Philadelphia to get the contract, correct?

11 A. I don't know what Mr. Issa did.

12 Q. You know that he went to Philadelphia to get the contract?

13 A. He --

14 Q. You walked him through the process, didn't you?

15 A. No, he can't go to Philadelphia and walk in and get a
16 contract.

17 Q. I didn't mean it that way it sounded.

18 You know that he submitted paperwork to get a
19 contract?

20 A. Yes.

21 Q. And you told him that unless he got the contract, you were
22 not going to give him work?

23 A. Correct.

24 Q. And you know that he submitted the contract and he worked
25 on getting the contract for months and months, correct?

ICAHIss2

Velez - Cross

1 A. Yes.

2 Q. And the contract has a packet of information about him that
3 he has to fill out and submit. You went through it with him,
4 didn't you?

5 A. I -- once he got the paperwork back from Philadelphia, I
6 didn't go through it with him, no.

7 Q. OK. But once he got -- you told him how to get the
8 paperwork from Philadelphia, right?

9 A. I submitted his name along with two others to Philadelphia.
10 They submitted paperwork to him. He received it, filled it
11 out, sent it back to them. I had nothing else to do with it at
12 that time.

13 Q. How did you know that he was doing this?

14 A. Because he told me.

15 Q. Ultimately, you know he was approved, correct?

16 A. Yes. I was contacted by the people at Philadelphia CMC,
17 and they sent me a copy through the email showing an -- an
18 attachment showing that he was the vendor at that point that
19 they chose. At that point, all he needed was my signature for
20 approval.

21 Q. And you did it?

22 A. Up in the Bronx, we didn't get that far because we closed
23 the Bronx.

24 Q. Right. But eventually when you got to Westchester, he had
25 a contract?

ICAHIss2

Velez - Cross

1 A. In Westchester, I had to submit other people as well too,
2 so we had to do the process all over again.

3 Q. And Mr. Issa went through the process all over again. He
4 didn't try and shortcut the process, correct?

5 A. Correct.

6 Q. And when you say "the process," would it be a fair
7 statement that when you're dealing with the post office or the
8 administrative office, there's a lot of paperwork involved?

9 A. Yes.

10 Q. And a lot of people who have to sign off on the paperwork?

11 A. Yes.

12 Q. And a lot of different levels of approval before you get
13 your contract?

14 A. Correct.

15 Q. You don't have anything to do with that, do you?

16 A. No.

17 Q. The people in Philadelphia might call you and ask you about
18 the vendor, but that's about it, correct?

19 A. Correct.

20 Q. And when they asked you about Mr. Issa, if they did, you
21 told them you needed Mr. Issa because you had work piled up in
22 the VMF, did you not?

23 A. I didn't say Mr. Issa. I needed an approved vendor for the
24 process.

25 Q. And of the three vendors who were submitted, the other two

ICAHIss2

Velez - Cross

1 vendors for the bid, the independent three people, they
2 couldn't handle what Mr. Issa could handle, right?

3 A. I can't say that.

4 Q. You knew who they were?

5 A. I knew who they were, but doesn't say that they can't
6 handle the work.

7 MR. SOLOWIEJCZYK: Your Honor, can we have a moment
8 with defense counsel with something really briefly? It's going
9 to take two seconds.

10 (Counsel confer)

11 Q. You told us on direct examination that the first time you
12 got money from Mr. Issa was when you were driving back from the
13 Taconic Parkway after visiting the Healey Motors place,
14 correct?

15 A. Correct.

16 Q. Is that true?

17 A. Yes.

18 Q. That's the first time you got money from Mr. Issa?

19 A. Yes.

20 Q. And when you said that on direct examination, you have a
21 clear recollection of him throwing two \$100 bills into your car
22 and then walking back to his car, correct?

23 A. Correct.

24 Q. And there's no real conversation with him. He walks to
25 your car, you think there's something wrong with his car, you

ICAHIss2

Velez - Cross

1 pull over on the Taconic, he throws two \$100 bills into the
2 window, and he leaves, correct?

3 A. Correct.

4 Q. And there's no discussion at all as to what the money's
5 for?

6 A. No.

7 Q. You had driven up to visit the Healey Motors place and saw
8 the place, correct?

9 A. That was prior to the money, yes.

10 Q. But then on the way back, you saw -- he stopped and gave
11 you the money?

12 A. Yes.

13 Q. Now, is that the truth as to when was the first time?

14 A. That's what I recall, yes.

15 Q. Well, that's what you recall specifically?

16 A. Yes.

17 MR. BRAFMAN: All right. I'm going to ask you to give
18 me, please, Exhibit 201, which is 3549-09.

19 Q. Remember being -- I'm going to put this up just for the
20 witness and the government. This is Defense Exhibit 201, and
21 it's also 3549-09.

22 You remember being interviewed, sir, on February 3,
23 2017?

24 A. Yes.

25 Q. And this was just one of the many interviews that you had

ICAHIss2

Velez - Cross

1 with government lawyers, correct?

2 A. Yes.

3 Q. Do you remember being told -- and if not, I'll ask to
4 refresh your recollection -- do you remember telling the
5 government that the first time you received money was when you
6 were visiting Manhattan on the mezzanine level. It was \$500
7 and a card when --

8 MS. HANFT: Objection.

9 THE COURT: Excuse me. There's an objection. What is
10 the objection?

11 MR. BRAFMAN: I'm not even finished with the question.

12 THE COURT: Do you remember being told, it's the wrong
13 form. Object to the form. Objection sustained.

14 Q. Do you remember telling the government that the first time
15 you got money from Mr. Issa, it was after you complained about
16 your wife's health, it was \$500, and it was in Manhattan? Do
17 you remember telling them that?

18 A. I remember telling them that, but that was incorrect.

19 Q. When you told them that, did you believe it to be true?

20 A. At that time, yes.

21 Q. So how did you figure out that it wasn't correct?

22 A. Because of the amount.

23 Q. They made you look at your bank statement?

24 A. They showed me the bank statement, but that had nothing to
25 do about my recollection.

ICAHIss2

Velez - Cross

1 Q. Your recollection now is that the first time was \$200?

2 A. Yes, sir.

3 Q. And when you told them that you had told him about your
4 wife's health and he gave you \$500, did Mr. Issa tell you not
5 to worry about it?

6 A. Yes.

7 Q. What was the "it" that he was telling you not to worry
8 about? Your wife's condition?

9 A. She'll be fine is what he -- what I recall him telling me,
10 but I don't -- I don't recall if that was before or after.

11 Q. Why don't you look at page 4 of the document 201 and see if
12 it refreshes your recollection -- on the top paragraph -- if it
13 refreshes your recollection that the first time -- sorry, that
14 Velez told Issa about his wife's health, do you remember
15 telling them that?

16 A. Yes.

17 Q. Do you remember telling them that Issa said --

18 MS. HANFT: Objection.

19 THE COURT: Objection's sustained.

20 MR. BRAFMAN: It's in payment of the money.

21 THE COURT: The objection is sustained.

22 Q. Was it in the same sentence that you then told them --

23 THE COURT: The objection is sustained. Mr. Brafman,
24 move on.

25 Q. And is that when you got \$500 the first time in Manhattan?

ICAHIss2

Velez - Cross

1 Is that what you told them?

2 A. That's what I told them, but I don't recall if that was --

3 Q. Ultimately, they showed you something to refresh your
4 recollection, to make you change your testimony?

5 A. No, I recall -- all I recalled was when I was coming back
6 from Healey Motors, I didn't recall that again, that \$500.

7 Q. But when you were asked the first time, you said something
8 about a drive from Healey Motors down the Taconic Parkway,
9 money thrown through your window, you never said that to them?

10 A. Because I didn't remember it.

11 Q. So you only remembered it here?

12 A. I remembered it later, afterwards.

13 Q. Whenever you told the government something and later
14 changed your mind or remembered it differently, they let you
15 change it, right?

16 MS. HANFT: Objection.

17 THE COURT: The objections are sustained. The
18 objection's sustained.

19 Q. Did you tell the government that Issa was begging you for
20 work?

21 A. Yes.

22 Q. And was Issa begging you for work because of expenses he
23 went through in putting mechanics in place up at Healey Motors
24 who were not working?

25 THE COURT: The objection's sustained.

ICAHIss2

Velez - Cross

1 Q. He wasn't begging you for work -- when he was begging you
2 for work, that's when you claim he was paying you?

3 A. Yes.

4 Q. So he was paying you to give him work. Why did he have to
5 beg. That was supposed to be the deal, money for work?

6 MS. HANFT: Objection.

7 THE COURT: The objection's sustained.

8 MR. BRAFMAN: Your Honor, we need to talk.

9 THE COURT: The objection's sustained. Move on.

10 MR. BRAFMAN: I can't.

11 THE COURT: Well, then you're done. Then sit down.

12 MR. BRAFMAN: I'm not done.

13 Q. How many hours did these -- on a regular basis did these
14 proffer sessions take with the government from time to time?

15 A. Can you repeat that again.

16 Q. These interviews that you had with the government
17 approximately 15 times, you said, how many hours did each of
18 them take?

19 A. Sometimes two hours; sometimes three hours.

20 Q. And so in total, if it's two or three hours, you've been
21 debriefed by them for 30 hours, would that be a fair -- at
22 least 30 hours?

23 A. Maybe.

24 Q. Maybe more?

25 A. Maybe somewhere in that neighborhood.

ICAHIss2

Velez - Cross

1 Q. In those 30 hours or 35 hours, you're talking about the
2 same stuff you testified to in this courtroom for about a total
3 of two hours, correct?

4 A. Maybe, yeah.

5 Q. And were they making you -- excuse me. Were they giving
6 you suggestions about your testimony at any time?

7 A. No, they just showed me just whatever -- whatever -- they
8 asked the questions, and I would answer the questions.

9 Q. And if the answer was something that either they didn't
10 expect or didn't like, they would show you something to remind
11 you that you were wrong, right?

12 A. I don't recall that. I don't recall them showing me
13 documentation to --

14 Q. Then how would it work?

15 A. They would ask me questions. I give them the answers.
16 They would write down my responses.

17 Q. You told us on direct examination that when you were in
18 Florida, Mr. Issa paid for you to have prostitute services, is
19 that correct?

20 A. It was one of the dancers in the place, yes.

21 Q. OK. And you are telling this jury that that was, in your
22 mind, part of the bribe?

23 A. To keep me happy, yeah.

24 Q. But it was a bunch of guys out drinking. You were a heavy
25 drinker at the time, and you were at a strip club, right?

ICAHIss2

Velez - Cross

1 A. Yes.

2 Q. And stuff happens at strip clubs, right?

3 A. Yes.

4 Q. And when they took you there, you didn't say, "Hey, I'm not
5 going to a strip club." You went willingly, right?

6 A. Yes.

7 Q. In fact, whether you didn't go with Mr. Issa, in the Bronx
8 you visited strip clubs and hookers regularly, didn't you?

9 MS. HANFT: Objection.

10 THE COURT: Objection's sustained.

11 Q. Didn't you tell the government that in the Bronx you had
12 gone to strip clubs and used prostitutes on a regular basis?

13 MS. HANFT: Objection.

14 THE COURT: The objection's sustained.

15 OK. Let's take a morning break. Don't discuss the
16 case. Keep an open mind.

17 Sir, you can go out into the hall.

18 (Jury excused)

19 (Continued on next page)

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ICAHiss2

Velez - Cross

1 (Jury not present)

2 MR. BRAFMAN: Your Honor, can I be briefly heard?

3 THE COURT: As soon as the witness leaves, I was
4 expecting you to speak. You can be briefly heard, the
5 government can be briefly heard, and I will be briefly heard.

6 MR. BRAFMAN: Your Honor, most respectfully, in my
7 judgment, you are preventing me from putting in evidence that
8 goes to the heart of Mr. Issa's defense.

9 THE COURT: His defense is intent, and this witness
10 cannot say what's in Mr. Issa's head, and I will not allow this
11 witness to do that.

12 MR. BRAFMAN: I'm not asking this witness to do that.

13 THE COURT: Yes, you are.

14 MR. BRAFMAN: I think you ultimately will charge --

15 THE COURT: Yes, you are.

16 MR. BRAFMAN: I think you ultimately will charge,
17 respectfully, that if they believe that the money was paid to
18 generate goodwill, it may not be bribery.

19 THE COURT: I don't have that in my draft charge.

20 MR. BRAFMAN: Well, I think you should, and I'll give
21 it to you again because it's in the *Silver* reversal by the
22 Second Circuit, and that's the rule right now.

23 Second, I will ask your Honor to understand that if I
24 give a public official a present because I'm a nice guy and
25 we're friends, because he tells me that his wife needs an

ICAHIss2

Velez - Cross

1 operation, and that's why I give him the money, the jury has a
2 right to take that into consideration to determine whether my
3 client gave this money with a specific intent to corrupt or was
4 he being a nice person?

5 THE COURT: The problem is he can't testify that your
6 client was just being a nice person.

7 MR. BRAFMAN: But he --

8 THE COURT: Your client might be able to so testify,
9 but he can't.

10 MR. BRAFMAN: But your Honor --

11 THE COURT: And that's the question where I drew the
12 line.

13 MR. BRAFMAN: But he can testify to acts of kindness
14 unrelated to the job that my client performed so that I can ask
15 the jury to in- --

16 THE COURT: He has testified to those acts, and you
17 want him to testify that your client was doing it because your
18 client felt sorry for him and he was a nice guy, and he can't
19 give that testimony.

20 MR. BRAFMAN: I won't give that question to him.

21 THE COURT: Well, that was the question you asked,
22 Mr. Brafman.

23 MR. BRAFMAN: Yes. But, Judge, you are stopping me
24 from asking him whether or not he told Mr. Issa about his
25 wife's problems, his daughter's problems, his house problems,

ICAHIss2

Velez - Cross

1 and this is very similar, your Honor, to the testimony that you
2 admitted, after some struggle --

3 THE COURT: Because --

4 MR. BRAFMAN: -- with Mr. Blight.

5 THE COURT: Because the government wasn't objecting.

6 MR. BRAFMAN: But, your Honor, it's the right -- it's
7 testimony the jury has a right to hear. My client doesn't fix
8 his teeth because he's a stranger and he wants to fix the teeth
9 so he'll give him a PMI.

10 THE COURT: The only person who can testify to that,
11 unfortunately, is your client.

12 MR. BRAFMAN: No, but I may argue.

13 THE COURT: You can argue it.

14 MR. BRAFMAN: But how can I argue it if it's not in
15 the record?

16 THE COURT: You want him to say he was --

17 MR. BRAFMAN: No.

18 THE COURT: I listened to your question.

19 MR. BRAFMAN: You cut me off when I asked whether or
20 not he told my client that his wife had a back condition. You
21 stopped me. He never answered that question.

22 THE COURT: You've now told the jury at least twice.

23 MR. BRAFMAN: No, I haven't told them.

24 THE COURT: Excuse me. It is in evidence that he was
25 told about the back condition.

ICAHiss2

Velez - Cross

1 MR. BRAFMAN: It was objection sustained.

2 THE COURT: And you go on -- it was not objection
3 sustained in every instance, but you go on and you -- the way
4 you ask the question isn't just, "Didn't he tell you his wife
5 had a bad back?" It's "And he told you his wife had a bad back
6 because he was a really nice guy and you were his friend,
7 right?" That's the question you asked, and that question is
8 improper. And I am sorry. I will make the same ruling if you
9 ask the question in that way every single time.

10 MR. BRAFMAN: But there are a litany of sad facts that
11 he told Mr. Issa.

12 THE COURT: Fine. Then you elicit them by saying:
13 And did you tell Mr. Issa X, and did you tell Mr. Issa Y? Did
14 you tell Mr. Issa Z? And say nothing more.

15 MR. BRAFMAN: Fine.

16 THE COURT: Because the minute you try to put him into
17 Mr. Issa's head, I'm going to pick him up and take him right
18 back out, OK?

19 MR. BRAFMAN: Well, it's not OK, but I accept your
20 ruling.

21 THE COURT: It all has to do, Mr. Brafman, with the
22 form of the question, because the questions you asked in the
23 form you asked them were irrelevant. But if you want to elicit
24 that he told your client X, that he told your client Y, and he
25 told your client Z, and then you want to argue to the jury that

ICAHIss2

Velez - Cross

1 that must have been the reason that Mr. Issa gave him the
2 money, you go right ahead.

3 MR. BRAFMAN: May I take --

4 THE COURT: But just don't make a big argumentative
5 to-do about how Mr. -- I've heard you say 15 times this morning
6 what a nice guy Mr. Issa must be. No, save it for the end.
7 That's not a proper question. Save it for the end.

8 MR. BRAFMAN: May we have five minutes, Judge?

9 THE COURT: I need five minutes.

10 (Recess)

11 (Continued on next page)

ICAHIss2

Velez - Cross

1 (Jury present)

2 THE COURT: OK. Where's the witness?

3 MR. SOLOWIEJCZYK: Sorry, Judge.

4 THE COURT: He kind of is a necessary person.

5 THE LAW CLERK: Takes seats, please.

6 THE COURT: Come on up, sir. You're still under oath.

7 BY MR. BRAFMAN:

8 Q. Mr. Velez, please listen carefully to these questions and
9 just answer yes or no, OK, if you can.

10 A. OK.

11 Q. When you were having dinner or talking to Mr. Issa, did you
12 tell him that your wife had back surgery?

13 A. Yes.

14 Q. Was that true?

15 A. Yes.

16 Q. Did you tell him that your wife was in constant pain
17 despite the surgery?

18 A. Yes.

19 Q. Was that true?

20 A. Yes.

21 Q. Did you tell him that your wife had to leave work because
22 of her back pain?

23 A. Yes.

24 Q. Did you tell him that your wife needed more surgery?

25 A. Yes.

ICAHIss2

Velez - Cross

1 Q. Did you tell him that you were having marital troubles,
2 leave it at that, at that time?

3 A. Somewhat.

4 Q. Did you tell him even that your daughter had financial
5 needs for school?

6 A. Yes.

7 Q. Did you tell him that your daughter was very depressed
8 because her pet died?

9 A. Yes.

10 Q. Did you tell him that your wife was on disability?

11 A. Yes.

12 Q. Did you tell him that you were in the process of buying a
13 house because you had to move out of the apartment?

14 A. Yes.

15 Q. Now I want you to listen carefully to the question. In
16 your own mind, when you were saying these things, in your own
17 mind -- can I finish the question before you stand?

18 THE COURT: You may, and then I'll sustain the
19 objection on relevance grounds. So if you want to waste your
20 time asking the question, go right ahead.

21 Q. In your own mind, were you telling Mr. Issa these things as
22 a friend?

23 MS. HANFT: Objection.

24 THE COURT: The objection's sustained. It's
25 irrelevant. Move on, please.

ICAHIss2

Velez - Cross

1 Q. Would it be a fair statement that from time to time you,
2 Mr. Velez, demanded more money from Mr. Issa?

3 A. Yes.

4 Q. That it went up and up and up, and these were always your
5 demands, correct?

6 A. Yes.

7 Q. Did you tell him when you were demanding more work that if
8 he didn't comply with your demands, you would shut him down?

9 A. Yes.

10 Q. And you had the capacity to shut him down, correct?

11 A. Yes, I could, yeah.

12 Q. Put him out of business?

13 A. I don't know about putting him out of business, but --

14 Q. Cost him a lot of money?

15 A. You need to do the work.

16 Q. Well, when you said I'm going to shut you down unless you
17 pay me, what did you mean by "shut him down"?

18 A. Not unless you pay me, that's not accurate.

19 Q. OK. So you asked him for more money, right?

20 A. I asked him for more money because I needed it for my home.

21 Q. There were times when you and he had arguments, correct?

22 A. Yes.

23 Q. And in those arguments, you threatened to shut him down?

24 A. He also threatened to shut me down.

25 THE COURT: But that wasn't the question. Did you

ICAHiss2

Velez - Cross

1 threaten to shut him down, yes or no?

2 THE WITNESS: Yes.

3 Q. When you meant that, you meant that as a business shut it
4 down, right?

5 A. As a business, no.

6 Q. Shut down his business?

7 A. No.

8 Q. Shut him down?

9 A. Meant cut him off from the post office.

10 Q. So if he doesn't pay you, in those arguments, shut him
11 down?

12 A. No, not if he doesn't pay me, no.

13 Q. Wasn't that the argument you had? I want more money. I
14 want more money, right, you would say that?

15 A. Incorrect, no.

16 Q. You would say that over and over again?

17 A. No.

18 Q. Didn't you demand more money again and again?

19 A. I demanded more money because I needed more money for my
20 home, but not because of that. I wasn't demanding money in
21 order to shut him down. I never said that.

22 Q. You never said it in the same sentence, right?

23 A. Not for that, no. Shut him down because he wasn't
24 performing the work, right.

25 Q. Is that what you said?

ICAHIss2

Velez - Cross

1 A. Yeah.

2 Q. And then you would demand more money?

3 A. No, only when I needed it.

4 Q. When you needed it?

5 A. Only when I needed to take care of home, my home issues,
6 yeah.

7 Q. So you went to Mr. Issa when you needed more money?

8 A. Yes.

9 Q. And you would ask him and sometimes demand it, let's move
10 on, but that's true, correct?

11 A. I would ask him for more money, yes.

12 Q. But you would sometimes demand?

13 A. I'd ask him for money. I didn't demand anything. It's up
14 to him to give me the money or not.

15 Q. Now, in 2015 were you trying -- were you in contact with
16 the Philadelphia office to try and get Mr. Issa a contract?

17 A. Yeah, I believe so.

18 Q. And what is USAC?

19 A. USAC, United States Auto Club.

20 MR. BRAFMAN: Now can we put 228 on the screen,
21 please.

22 Q. This is Exhibit 228. Look at it and tell me if you -- read
23 it to yourself and tell me if you recognize this as a series of
24 emails that was sent on or about February 20, 2015, between
25 you, Mr. Issa, and Michael Hayden.

ICAHIss2

Velez - Cross

1 A. Can you bring it down a little bit. No, down. There you
2 go.

3 Q. May I bring it up now?

4 A. Yes.

5 Q. Do you recognize them as emails you received or sent during
6 that time?

7 A. Yes.

8 MR. BRAFMAN: Your Honor, I offer them into evidence.

9 MS. HANFT: Your Honor, we object.

10 THE COURT: Ground?

11 MS. HANFT: On hearsay grounds.

12 THE COURT: I'm sorry?

13 MS. HANFT: On hearsay grounds.

14 THE COURT: Objection's sustained.

15 BY MR. BRAFMAN:

16 Q. Was Michael Hayden a post office employee?

17 A. Yes.

18 Q. What was his job?

19 A. He worked in Philadelphia CMC.

20 Q. Were there times when Philadelphia CMC and you and vendors,
21 did they communicate by email?

22 A. Yes.

23 Q. Was this in the ordinary course of business for CMC to
24 communicate with people who worked for the post office and with
25 vendors who worked for the post office on a regular basis?

ICAHIss2

Velez - Cross

1 A. Yes.

2 Q. And were these emails prepared by people who were
3 authorized to prepare them on behalf of the post office?

4 A. Yes.

5 Q. And they're supposed to be prepared in an accurate fashion?

6 A. Yes.

7 MR. BRAFMAN: Your Honor, I offer this in as a
8 business record.

9 MS. HANFT: We still object, your Honor. This is not
10 a business record. It's an email.

11 THE COURT: The objection's sustained.

12 Q. Mr. Velez, did you know whether Mr. Issa had prepared a bid
13 package for Westchester?

14 A. For vehicle repairs, yes.

15 Q. Who is San Mateo?

16 A. San Mateo is the -- is an office that does the payment
17 for -- payment for the USAC system. So when a vehicle is
18 towed, there's an invoice created. It's submitted from Duploy
19 to USAC, to United States Auto Club. They would then submit it
20 for verification to -- back to the VMF. From the VMF, it's
21 verified then sent forth to San Mateo who's an office for
22 payment in the post office.

23 Q. Before Mr. Issa made a dime on that invoice, it would go
24 through this process?

25 A. Yes.

ICAHIss2

Velez - Cross

1 Q. Were you being told -- in February 2015 did you understand
2 that the way invoices were going to be supplied for payment or
3 submitted for payment was going to change?

4 A. Yes.

5 Q. And how was it going to change?

6 A. There was a confusion on the payment arrangement with USAC
7 and San Mateo. They couldn't verify information between the
8 two offices, so they were going to come up with a new idea to
9 make it easier for payment to be made.

10 Q. Until that new idea was implemented, it was sent out to all
11 the VMFs, no invoices were going to be paid, correct?

12 A. Correct.

13 Q. So there was delay in the processing of invoices on
14 occasion by the post office that had nothing to do with
15 Mr. Issa, correct?

16 A. Correct.

17 Q. Do you know how many months went by at times before
18 Mr. Issa's companies got paid at all?

19 A. Sometimes three months.

20 Q. Would he constantly tell you that this is wrong. I'm doing
21 the work. I got to make payroll, and I'm not getting paid?

22 A. Yes.

23 Q. And then would you share those complaints if they were made
24 with Philadelphia or with the payment people?

25 A. Yes.

ICAHIss2

Velez - Cross

1 Q. And they were behind, would that be a fair statement?

2 A. They were still working on the process.

3 Q. Until the process was resolved and the kinks out of the
4 system, no one was getting paid?

5 A. Correct.

6 Q. Were you getting your salary every week?

7 A. From the post office, yes.

8 Q. Now, from time to time did Mr. Issa email you for help
9 because he was not getting enough work?

10 A. Can you repeat that again. Sorry.

11 Q. Were there some times -- you know, this difficulty that
12 Mr. Issa had when he opened Healey and then he was not getting
13 enough work, he would not only bring it to your attention but
14 to Philadelphia as well, correct?

15 MS. HANFT: Objection as to form.

16 THE COURT: The objection's sustained.

17 Q. Did you have email correspondence with Mr. Issa during this
18 period when he was begging you for work in writing?

19 MS. HANFT: Objection.

20 THE COURT: The objection's sustained.

21 Q. I want to show you what's been marked for identification as
22 Defendant's Exhibit 208. This is an email exchange just
23 between you and Mr. Issa on May 18. Please look at it and tell
24 me if you remember getting this email.

25 Have you read it, sir?

ICAHIss2

Velez - Cross

1 A. Not yet.

2 Yes, I remember this.

3 Q. This is in May 18, 2016, correct?

4 A. Yes.

5 Q. During a period when you claimed to be getting money from
6 Mr. Issa?

7 A. Yes.

8 Q. Money for work, correct?

9 A. Uh-huh, yes.

10 Q. This is correspondence between just you and Mr. Issa,
11 correct?

12 A. Correct.

13 MR. BRAFMAN: Your Honor, I offer this into evidence
14 under 806. I offer it into evidence as nonhearsay.

15 MS. HANFT: We object, your Honor.

16 THE COURT: Can somebody hand me a copy of the
17 document, please.

18 MR. BRAFMAN: Yes, ma'am, I'll bring it up.

19 THE COURT: Sorry, folks.

20 The objection's sustained.

21 BY MR. BRAFMAN:

22 Q. Mr. Issa, did you tell this jury under oath that you were
23 getting money from Mr. Issa for sending him work?

24 A. Yes.

25 Q. Did you tell them that this continued on until -- in

ICAHIss2

Velez - Cross

1 May 2016?

2 A. Till May of 2016?

3 Q. During the period May of 2016, is it your testimony that
4 you were still getting money from Mr. Issa for giving him work?

5 A. Yes.

6 Q. And you were getting a lot of money during that period. It
7 had gone up to \$1,500 a week you testified to, correct?

8 A. Yes.

9 Q. During this period, I am asking you, did Mr. Issa ever
10 complain to you that he was not getting any work?

11 A. Yes.

12 Q. Was there correspondence between you and Mr. Issa's company
13 where you were trying to explain why sometimes they were not
14 getting paid?

15 A. Probably, yes.

16 Q. Were you telling them often that they were not getting paid
17 having nothing to do with the quality of the work, but that
18 they were not getting paid because of problems with the post
19 office?

20 MS. HANFT: Objection. Hearsay and form, your Honor.

21 THE COURT: Form, yes.

22 MR. BRAFMAN: I'll withdraw as to form.

23 Q. Did you say to Mr. Issa or people who are working at his
24 company that the payments were being delayed because of issues
25 with the post office?

ICAHIss2

Velez - Cross

1 A. There's more than one answer, but yes.

2 Q. Did you say that on occasion? We'll get to the other
3 reasons.

4 A. Yes.

5 Q. Did you say that?

6 A. Yes.

7 Q. Was it true when you said it?

8 A. Yes.

9 Q. Were there difficulties in terms of the contract date with
10 the SEAM system?

11 A. Not the SEAM system. It was more -- it was something else.

12 Q. Tell us what it was.

13 A. The post offices a lot of times were -- postmasters were
14 being switched around in offices. I had 167 offices up there,
15 and postmasters would either retire, someone new would come in.
16 If the invoices weren't coming in with the trucks at the time
17 that they were repaired, the new postmaster would come in and
18 say, "I don't know anything about this," and they wouldn't pay
19 the bill. They had the opportunity of paying their own bills
20 with a system called Voyager card, and there was a lot of
21 issues with that because, again, the invoices weren't going
22 with the trucks. They were sometimes two, three weeks late.

23 And when they were switching people around, remember,
24 there's 167 post offices, and there's constant movement between
25 the postmasters up there. The new person coming into an office

ICAHiss2

Velez - Cross

1 would not pay the bill because they didn't know anything about
2 it. So there was a lot of issues there.

3 Q. Was part of the delay occasioned because of the staffing
4 changes in the post office?

5 A. Yes, a lot of it.

6 Q. A lot of it. Thank you.

7 So with 167 people moving in and out, there was room
8 for confusion?

9 A. Yes.

10 Q. And sometimes did you ever use the expression when talking
11 about the post office that sometimes the right hand and the
12 left hand didn't talk to each other?

13 A. Correct.

14 Q. And is that true?

15 A. That's true.

16 Q. And it became part of your frustration, forget about
17 Mr. Issa's position. Your own frustration was sometimes the
18 right hand in the post office wasn't really listening or
19 talking to the left hand, right?

20 A. Correct.

21 Q. Now, you know who Mr. Radakovitz is, Steve Radakovitz?

22 A. Radakovitz.

23 Q. I'm sorry, Radakovitz.

24 A. Steve Radakovitz, yes.

25 Q. Who is he?

ICAHIss2

Velez - Cross

1 A. He's the manager of operations up in Westchester.

2 Q. Is he above you in terms of level?

3 A. He was my boss. He was the one that hired me up in
4 Westchester in the very beginning.

5 Q. Were you part of a meeting with Mr. Issa going to meet with
6 Mr. Radakovitz?

7 A. Mr. Radakovitz and the district manager as well.

8 Q. Who is the district manager?

9 A. I don't recall his name.

10 Q. Mr. Conti?

11 A. Mr. Conti, yes.

12 Q. And Mr. Conti was who?

13 A. He was the district manager. He was in charge of the whole
14 district. He was the top boss up there.

15 Q. So it was Conti, Radakovitz, and then somewhere on the next
16 line you fit in, right?

17 A. Yes.

18 Q. And the purpose of the meeting, if you recall, was for
19 Mr. Issa to introduce himself and explain his capabilities in
20 getting work done, correct?

21 A. Correct.

22 Q. And they met with him and you were there, correct?

23 A. Yes.

24 Q. And without telling us what was said by these people, was
25 it a favorable meeting?

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Velez - Cross

1 A. Yes.

2 Q. Favorable to Mr. Issa?

3 A. To both sides.

4 Q. And he was providing the post office with a service that
5 they desperately needed, correct?

6 A. That I needed, yes.

7 Q. That you needed.

8 And you needed their approval to use him, correct?

9 A. I didn't set up the meeting, but I was there.

10 Q. And you were happy that they approved him, correct?

11 A. Yes.

12 Q. Because they needed the work?

13 A. Yes.

14 Q. And you needed the work?

15 A. I needed the vendor to do the work.

16 Q. Mr. Issa was telling them how capable he is and he
17 described the nature of his operation and the size, correct?

18 A. Correct.

19 Q. Thank you.

20 Did Mr. Issa maintain a low profile during the period
21 he was with you, if you know what I mean, or was he an out and
22 about guy?

23 MS. HANFT: Objection.

24 THE COURT: The objection's sustained.

25 Q. Well, did Mr. Issa, like, lobby the post office on a

ICAHIss2

Velez - Cross

1 regular basis to give him work?

2 MS. HANFT: Objection.

3 THE COURT: The objection's sustained.

4 Q. Were you aware of Mr. Issa inviting the whole post office
5 hierarchy on a boat ride that he underwrote?

6 MS. HANFT: Objection.

7 THE COURT: Ground.

8 MS. HANFT: Relevance.

9 MR. BRAFMAN: It's very relevant, your Honor. Is it
10 overruled?

11 THE COURT: It's overruled. Just go ahead.

12 Q. Were you aware of the boat ride?

13 A. The what ride?

14 Q. Boat ride that Mr. Issa organized for --

15 THE COURT: Well, no. Are you aware whether, because
16 there's no evidence that he did.

17 Q. Are you aware of the boat ride that Mr. Issa organized
18 for --

19 THE COURT: No, the objection to the form is -- do you
20 know anything about a boat ride with postal officials?

21 THE WITNESS: I heard about a boat ride.

22 THE COURT: You heard about it.

23 Q. Did you also see documentation?

24 A. I don't recall.

25 Q. I'm going to show you a copy of an email marked 231 for

ICAHiss2

Velez - Cross

1 identification. It's an email flyer addressed to you.

2 You see your name up on top? That's copied.

3 A. Yes.

4 Q. Does this refresh your recollection that there was a boat
5 ride in June of 2014 for the post office that you became aware
6 of?

7 MS. HANFT: Objection.

8 THE COURT: The objection's overruled.

9 Q. Does it refresh your recollection?

10 THE COURT: Does it jog your memory, sir?

11 A. So many documents, I don't remember.

12 Q. Didn't you tell the government about this?

13 A. No.

14 Q. Never?

15 A. I don't remember telling them anything.

16 Q. You sure?

17 A. I don't remember, no.

18 Q. Well --

19 A. I don't remember this.

20 Q. What is the NY PCC?

21 A. That's the gathering of the managers and hierarchy in New
22 York with the vendors from New York where they get together and
23 meet and try to -- vendors try to sell their services, and post
24 office also -- the personnel try to, you know, see what's
25 available for their post offices. So it's a meet-and-greet and

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Velez - Cross

1 stuff like that.

2 Q. Were you invited on this?

3 A. I was told about it, but I didn't go.

4 Q. OK. But you know people who went?

5 A. I don't recall.

6 Q. Who is it available to? Not people who deliver the mail;
7 managers, right?

8 MS. HANFT: Objection.

9 THE COURT: The objection's sustained. Move on,
10 please.

11 Q. Now, you testified on direct examination about certain
12 charges that Mr. Issa made on the invoices that, in your
13 judgment, were not appropriate?

14 A. Correct.

15 Q. Were you telling this jury that this was a manner of which
16 he was stealing from the post office?

17 MS. HANFT: Objection.

18 THE COURT: The objection's sustained. It's
19 argumentative.

20 Q. What was your understanding of, when you testified about
21 that, what was going on? That he was trying to get something
22 for nothing?

23 MS. HANFT: Objection.

24 THE COURT: The objection's sustained. It's
25 argumentative.

ICAHIss2

Velez - Cross

1 Q. Mr. Velez, isn't it true that on a regular basis Mr. Issa's
2 office sent you emails telling you that they had been paid
3 twice for the same invoice and crediting the post office?

4 A. I don't recall that. We had to bring it up to him.

5 Q. Who was Mike Barton?

6 A. Who?

7 Q. Mike Barton?

8 A. Don't know.

9 Q. Well, let me show you what's marked for identification --

10 A. He wasn't in my office. I don't know.

11 Q. Let me show you what's marked for identification as
12 Defendant's Exhibit 213. If you could look at it, sir.

13 THE COURT: I'd appreciate it if you give me a copy of
14 these. I'm having a hard time with my screen.

15 MR. BRAFMAN: Yes. May I give the witness a copy?

16 THE COURT: That would be great. It's easier to read.

17 (Continued on next page)

ICA5iss3

Velez - cross

1 BY MR. BRAFMAN:

2 Q. It refers to an e-mail below which I --

3 MS. HANFT: Objection, your Honor.

4 THE COURT: I think I have a portion of an exhibit,
5 one page.

6 MR. BRAFMAN: Yes, your Honor. I'm sorry.

7 THE COURT: It is, like, the back page. Oh, a lot
8 more pages. Well, the objection sustained as to this exhibit
9 of multiple e-mails. No.

10 MR. BRAFMAN: Your Honor, one of the charges in the
11 indictment --

12 THE COURT: I'm aware of what all the charges in the
13 indictment are. I'm well aware of what the charges in the
14 indictment are. This is a bulk of e-mails, handwriting all
15 over one of the pages. Sorry.

16 MR. BRAFMAN: I will give you one that is not marked,
17 Judge.

18 THE COURT: This is an exhibit. One exhibit, right?
19 213? The objection to introducing the Exhibit 213 is
20 sustained.

21 MR. BRAFMAN: I would like to separate it and just
22 give him the first part that has a statement by Mr. Velez.

23 MS. HANFT: Objection, your Honor.

24 THE COURT: Hang on.

25 MR. BRAFMAN: The first page.

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Velez - cross

1 THE COURT: What page are you looking at?

2 MR. BRAFMAN: The one that has the no. 213 on it, the
3 exhibit number, it is a statement by Mr. Velez in the middle.

4 THE COURT: Fine, yes. You want to show that to him,
5 you don't want to introduce it because he is on the stand. You
6 want to show it to him to see if it jogs his memory because he
7 says he didn't remember any of that, right?

8 BY MR. BRAFMAN:

9 Q. Yes.

10 I show you Exhibit 213, read it to yourself and then
11 let me ask you a question. Did you read it?

12 A. Yes.

13 Q. Does it refresh your recollection that from time to time
14 Mr. Issa's company --

15 MS. HANFT: Objection.

16 THE COURT: The objection is overruled.

17 MS. HANFT: Your Honor.

18 THE COURT: To intent. Goes to intent.

19 MS. HANFT: But my issue, your Honor, is just if
20 Mr. Brafman could first ask whether it refreshes his
21 recollection before he says he believes what it says.

22 THE COURT: That is a ridiculous objection, Ms. Hanft.
23 Please. The objection is overruled.

24 Go ahead, Mr. Brafman.

25 MR. BRAFMAN: Thank you.

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Velez - cross

1 BY MR. BRAFMAN:

2 Q. Does it refresh your recollection that from time to time
3 Mr. Issa or people in his company sent you e-mails to notify
4 you that they had received double payment for the same invoice
5 from the post office?

6 A. This refreshes my recollection of Daniella Silva.

7 Q. That's his wife, right?

8 A. Correct.

9 Q. She's running the office, right?

10 A. I recall her telling me about receiving double payment. I
11 don't recall anybody else telling me that.

12 Q. Okay.

13 THE COURT: Okay.

14 Q. On behalf of Healey, right?

15 A. This is not Healey, this is Duploy.

16 Q. Okay, but it is not Daniella getting the money, it is
17 Duploy, Mr. Issa's company, correct?

18 A. Correct.

19 Q. And she is telling you they got double payment for
20 invoices?

21 A. Yes.

22 Q. And your response is "thank you for your honesty," correct?

23 A. Yes.

24 Q. Now, that's not the only time this happened; is that
25 correct?

ICA5iss3

Velez - cross

1 A. It's happened a bunch of times. Daniella would make the --
2 she would send e-mails and let me know that we got double paid.
3 She would deal with my clerk Celine Martin and they would fix
4 it.

5 Q. By fixing it the post office would get the money back,
6 right?

7 A. Would get credit, yes.

8 Q. So it was Issa's company who brought these mistakes in
9 favor of the post office to your attention, correct?

10 A. One department, yes.

11 Q. Excuse me?

12 A. One department.

13 Q. That's the department that handles this kind of stuff,
14 right?

15 A. No.

16 Q. Who did they send it to?

17 A. This was from Duploy.

18 Q. Okay.

19 A. Duploy is a towing service.

20 Q. Now, Duploy was doing a lot of work for the post office,
21 right.

22 A. Towing vehicles for us, back and forth, yes.

23 Q. So, any time a post office vehicle broke down, whether it
24 was a small car or a truck, they would go out and pull it to
25 the repair shop?

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Velez - cross

1 A. Not accurate, because Healey had their own tow truck.

2 Q. So somebody would go out and get the truck on behalf of
3 Mr. Issa. You testified to that already, right?

4 A. Yes.

5 Q. And one of his companies would then bill the post office,
6 right?

7 A. Two different operations here. We can't confuse them both.

8 Q. Don't confuse them.

9 When the truck was towed he had a right to get paid,
10 correct? Yes or no.

11 A. From the post office that they towed it from, yes.

12 Q. Okay.

13 A. They would pay them with Voyager.

14 Q. So some post office was supposed to pay them, right?

15 A. You are confusing the whole process here.

16 Q. Do you know why they were telling you that they were paid
17 twice?

18 A. This is a different department. This has nothing to do
19 with vehicles breaking down. This is Duploy. This is -- we
20 are going to USAC that went to San Mateo. They also verified
21 there was double payments. This is that.

22 Q. Okay. And then when Mr. Issa's company told you there was
23 double payments, the post office took a credit for that,
24 correct?

25 A. That was Duploy, yes.

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Velez - cross

1 Q. Now, I want to show you 215 for identification, which is
2 another set of invoices; 215, 216, 217 and 218. I'm going to
3 put it on the screen so the government, Court, and witness can
4 see it, your Honor.

5 Who is Julie Lopez?

6 A. She was an employee down at Manhattan VMF.

7 Q. What was she involved with? Payment?

8 A. She was a supervisor down there. I don't know what she was
9 involved with.

10 Q. You know who she is, right?

11 A. I know who she is but I don't know what she was involved
12 in.

13 Q. I want you to look at 215, look at it for yourself, 216 --
14 I'm sorry -- 217, and 218.

15 MS. HANFT: Your Honor, we object. This witness has
16 not established a failure of recollection. It is not clear
17 what Mr. Brafman --

18 MR. BRAFMAN: I'm about to ask him a question.

19 THE COURT: Can you please wait until there is a
20 question on the floor before you object?

21 MS. HANFT: Yes, your Honor.

22 BY MR. BRAFMAN:

23 Q. Do you remember whether or not the fact that the Issa
24 company was submitting double-billing areas to the post office
25 was something that recurred where they were telling the post

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Velez - cross

1 office that they were getting double payments?

2 MS. HANFT: Objection. Also asked and answered.

3 MR. BRAFMAN: It is a separate --

4 THE COURT: The question, I believe, if it were asked
5 in a simple manner, would be did the Issa company tell you, on
6 more than one occasion, that they were double-billing?

7 MR. BRAFMAN: That they were paid twice.

8 THE COURT: The Duploy company, did they tell you, on
9 more than one occasion, that it was double-billed and that it
10 was paid twice?

11 THE WITNESS: Yes. Duploy.

12 BY MR. BRAFMAN:

13 Q. Only Duploy?

14 A. Yes.

15 Q. Did they tell you that with respect to First Star as well?

16 A. I don't recall First Star or Healey or Dee Jay.

17 Q. Then you know someone named Tisha Gandy.

18 A. She is in Philadelphia CMC. She is in the contracting
19 department.

20 Q. Did you get, from time to time, memos from her that went
21 out to all managers?

22 A. Sometimes, yes.

23 Q. And do you remember specifically in March of 2016 an e-mail
24 telling you about the problems or the corrections and the
25 manner in which the Voyager cards were to be used?

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Velez - cross

1 A. Oh, yes. Yes, I recall, but I don't have a hundred percent
2 recollection, but I remember her sending me an e-mail that went
3 out to managers, yes.

4 Q. And, do you remember a letter that went from Ms. Gandy to
5 Mr. Issa directly in connection with this issue and -- do you
6 remember that?

7 A. I don't know that she sent him a letter. I don't know.

8 Q. So, let me show you what's marked for identification as
9 237. Do you remember this memo from Tisha Gandy?

10 A. Vaguely. I -- she used to send a lot of stuff sometimes so
11 I don't recall.

12 Q. Flip over to the second page. Sorry, flip over to the page
13 and look at 238. Do you remember that e-mail exchange between
14 you and her?

15 A. I sent it to him, yes.

16 Q. You sent it to him?

17 A. Yes.

18 Q. And he responded? I'm sorry. You sent it to him, right?

19 A. I sent it to him.

20 MR. BRAFMAN: I offer this into evidence.

21 MS. HANFT: Government objects, your Honor.

22 THE COURT: Could I have a copy that I can actually
23 see? Is there a ground for your objection?

24 MS. HANFT: Yes, your Honor. Hearsay.

25 MR. BRAFMAN: It is statement by Mr. Velez.

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Velez - cross

1 THE COURT: Well, that's hearsay. Mr. Velez is here
2 on the witness stand. Is it a prior inconsistent statement?
3 No, it is not, so the government is correct. The objection is
4 sustained.

5 BY MR. BRAFMAN:

6 Q. Did you read the e-mail?

7 A. Some of it.

8 Q. Exhibit 238, read it to yourself.

9 THE COURT: There is no reason for him to read the
10 e-mail. Ask him a question.

11 BY MR. BRAFMAN:

12 Q. Were you telling Mr. Issa, in April of 2016, that you had
13 been asked to keep your budget down, in words or substance, or
14 your expenditures down?

15 MS. HANFT: Objection.

16 THE COURT: Ground?

17 MS. HANFT: Calls for hearsay.

18 THE COURT: Overruled.

19 THE WITNESS: Can I respond?

20 THE COURT: Yes, you can.

21 THE WITNESS: I'm sorry.

22 Yes.

23 BY MR. BRAFMAN:

24 Q. And you were thanking him for his patience and
25 understanding, correct?

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Velez - cross

1 A. Basically I was telling him that we needed to keep costs
2 down because we were losing a lot of money.

3 Q. Okay, and you were telling him that --

4 THE COURT: We, the postal service was losing a lot of
5 money?

6 THE WITNESS: Yes. Yes, I'm sorry.

7 The postal service was losing a lot of money and
8 the -- my bosses above wanted me to keep costs down and this is
9 the idea that they came up with, not only myself but all the
10 VMF managers.

11 BY MR. BRAFMAN:

12 Q. And it essentially changed the way these things would be
13 processed, right?

14 A. Change the process?

15 Q. It changed the manner in which payments would be approved?

16 A. It would change the amount of repairs that were included on
17 an invoice that we could receive on an invoice.

18 Q. And this was in 2016, right?

19 A. Yes, sir.

20 Q. So it is essentially changing the rules in the middle of
21 the contract?

22 A. No, not changing the rules. You still could repair
23 vehicles, just we had to cut down on the cost.

24 Q. How did you tell the contractors what they could and could
25 not do?

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Velez - cross

1 A. We would only take care of all the emergency and safety
2 issues on the vehicles.

3 Q. So PMIs were not done?

4 A. PMIs were not done but it didn't cost \$2,000 for a PMI, it
5 didn't go up that high.

6 Q. Right, but --

7 A. Change the oil filter and tires, maybe two tires. The
8 bills didn't have to go up to \$2,000 but that was the max limit
9 that I could spend.

10 Q. If the truck needed more repair it couldn't be done?

11 A. No, not there. I would have it bring it into my shop and
12 complete the rest of the repairs. In order for us to spend
13 \$2,000 on a vendor, if there was any more work, it had to come
14 back to the VMF that we had to complete that work.

15 Q. And that was changed in May of 2016?

16 A. Yes.

17 Q. And for the years before that -- '12, '13, '14, '15, and up
18 to May of 2016 -- if the PMI suggested that there had to be
19 additional work the work could be done by the vendor, correct?
20 If approved by you?

21 A. Back then there was no immediate policy change because
22 there was a new regime that took over, so when they took over
23 this is what they wanted.

24 Q. But my question was before the new regime, as you called
25 it, came into power, the contractors had a lot more leeway,

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Velez - cross

1 correct?

2 A. Back then they had to get approval from the VMF if anything
3 cost \$250 or more, which hardly ever happened.

4 Q. The approval?

5 A. It had to meet the VMF approval. They can call a
6 supervisor and tell them I have got a bill here for \$500, it is
7 over the \$250 limit. At that point we would have to approve
8 it.

9 Q. How do you do that in the middle of the night when no VMF
10 worker is in their station?

11 A. We have supervisors there until midnight.

12 Q. And then what about 2:00 in the morning?

13 A. They would have to wait until the next day to get approval.

14 Q. And to get approval before they fix it?

15 A. For PMI, yes.

16 Q. What if they needed the truck back?

17 A. They would bring it back.

18 Q. They don't bring it back.

19 A. They would have to bring it back.

20 Q. In an unrepaired fashion?

21 A. Unrepaired, and then pick it up the next night. Get
22 approval on your estimate -- get your approval on your estimate
23 and then bring the vehicle back to the station and fix it the
24 next day.

25 Q. And what if the vehicle wasn't drivable?

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Velez - cross

1 A. If it's not drivable then leave it at your shop, call the
2 VMF anyway.

3 Q. So you couldn't get the truck back until the next day?

4 A. Not all the time.

5 Q. Not all the time?

6 A. Not all the time, no.

7 Q. Did you give any instructions to Mr. Issa's company or his
8 employees at these companies about washing trucks?

9 A. The trucks had to be washed on PMI. That's part of the
10 PMI.

11 Q. And did you tell them to wash it every time that it had a
12 PMI or to use their judgment?

13 A. Every time the vehicle comes in for a PMI, remember, it's
14 twice a year they had to be washed, yes.

15 Q. How does it get washed? By hand?

16 A. Use brushes, whatever soap. It had to be washed.

17 Q. Regardless of the size of the truck?

18 A. Regardless of the size of the truck. It is on the PMI
19 sheet.

20 Q. Okay. And regardless of the size of the truck is the
21 charge for the wash the same?

22 A. It doesn't matter, it is part of the PMI. They give you --
23 no. Each vehicle has an amount of allotted time to perform a
24 PMI so if it's a small vehicle, it is an hour and a half. The
25 bigger the vehicles go, there is more hours, more time added to

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Velez - cross

1 it. So, up to a big truck, sometimes it would be hours for
2 PMI, yes.

3 Q. And then if the truck has to be taken out to be washed,
4 that additional time you are allowed to bill for, can't you?

5 A. That's -- no.

6 Q. Can't do that?

7 A. No.

8 Q. How do you get the truck to the car wash, truck wash?

9 A. That's not my problem. That's part of the contract. You
10 agreed to wash the vehicle. That's something you have to do.

11 Q. Doesn't the rules provide for extra time in the estimated
12 time if you are using a car wash?

13 A. No, sir.

14 Q. Are you sure?

15 A. Yes.

16 Q. Have you looked at the manual in the last 10 years?

17 A. In the last five years, yes.

18 MR. BRAFMAN: May we have a moment, your Honor? We
19 have to get an exhibit that is in evidence, but.

20 THE COURT: Well, get it.

21 MR. BRAFMAN: I'm trying. I will move on and come
22 back to this, your Honor.

23 THE COURT: That would be great. Thank you.

24 BY MR. BRAFMAN:

25 Q. Michael Hayden, are you familiar with that name?

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Velez - cross

1 A. Yes. He was an acquaintance but he is also a supervisor in
2 Newark, and then he went down to Philadelphia.

3 Q. And he was one of the people in charge of purchasing and
4 supply management, correct?

5 A. He was one of the employees there, yes.

6 Q. Well, when you say employees, in Philadelphia these were
7 people who had super management positions, right?

8 A. They were -- they had different assignments. I don't know
9 what his assignment was.

10 Q. Do you remember getting an e-mail from him in February of
11 2014 telling you that Issa's company was the only one that
12 could handle 7, 9, and 11-ton tractors?

13 MS. HANFT: Objection.

14 THE COURT: Objection is sustained.

15 BY MR. BRAFMAN:

16 Q. Was Mr. Hayden your supervisor, or over you?

17 A. No.

18 Q. Did you ever write to him about Mr. Issa's companies?

19 A. Sometimes, yes.

20 Q. And what was the subject matter that you wrote to him
21 about?

22 A. I don't recall now.

23 MS. HANFT: Objection.

24 THE COURT: I can't hear three voices at once. I just
25 can't do it.

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Velez - cross

1 Ground for the objection?

2 MS. HANFT: Hearsay.

3 THE COURT: The objection is sustained. I rather
4 imagine it won't be the next time it is asked.

5 BY MR. BRAFMAN:

6 Q. Do you know what a form 4546 is?

7 A. Yes.

8 Q. That's the PMI checklist, right?

9 A. Yes.

10 Q. And the PMI checklist lists washing as one of the items
11 that's supposed to be under the PMI, correct?

12 A. Correct.

13 Q. I just want to ask you, when you go to the guidelines for
14 your trucks, does the estimated repair time increase if, in
15 fact, depending on how the wash is being done?

16 A. No.

17 Q. I want to show you what's already in evidence as 112 and
18 specifically point you to page 112A which is in evidence. I am
19 going to put it up on the screen because I don't have enough
20 copies. 112, sir, described as the preventive maintenance
21 inspection program. Do you see that?

22 A. Yes.

23 Q. You are there are with this document, correct?

24 A. That's an old document, yes.

25 Q. But that's the book that covers this stuff, isn't it?

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Velez - cross

1 A. That's an old document. That's not the revised version.

2 Q. You have a revised one that changes the wash estimated
3 time?

4 A. No, it doesn't change.

5 Q. Okay. So let's look at page 112A which is the page for the
6 washing explanation, and 112A on the top where it says clean
7 inside and out, I am going to point to you the second where it
8 says note: The estimated repair time -- ERT -- shown on the
9 back of form 4546B, was calculated assuming the use of an
10 automatic truck washer. Add 0.3 hours if the vehicle is
11 hand-washed, and 0.2 hours for cleaning windows and inside of
12 vehicle.

13 Do you see that?

14 A. Yes, I see that.

15 Q. Does that allow the vendor to add time and expense to the
16 wash?

17 A. That depends on where they wash it.

18 Q. Okay, but if they wash it consistent with this rule they're
19 allowed to increase the time that is estimated to take,
20 correct?

21 A. Yes. Maybe about a quarter of an hour.

22 Q. Well .3 and .2 is closer to half an hour, correct?

23 A. No.

24 Q. No?

25 A. Quarter of an hour. 15, 20 minutes. In that neighborhood.

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Velez - cross

1 10 minutes.

2 Q. That depends on where you have to go to wash it?

3 A. It doesn't say anything about travel time on there.

4 Q. So, if you have to go 20 miles to get this 7-ton truck into
5 a machine, you eat that time you are telling us?

6 A. That's not my rule, so yeah.

7 Q. I get it. Thank you?

8 A. It is what it is.

9 Q. It is what it is. Thank you.

10 Did the government confront you -- when you were on
11 your first confrontation by agents from OIG, did they confront
12 you with a printout or a spreadsheet of cash deposits into your
13 bank?

14 A. Yes.

15 Q. And did they tell you that you have a real problem, in
16 words or substance, because you have at least \$96,500 in cash
17 going into your account?

18 A. Yes.

19 Q. And did they tell you that that money is all money that you
20 got as bribes?

21 A. Yes.

22 Q. And you told them that's not true?

23 A. Yes.

24 Q. Now, tell us, who was making these cash deposits into your
25 account for several years?

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Velez - cross

1 A. My wife.

2 Q. And why is your wife making cash deposits its into your
3 account all of those years?

4 A. The account that the money was going into for the joint
5 account between myself and my wife, her job where she used to
6 work at they couldn't -- there was some issue they were having
7 with getting a direct deposit into our joint account with her
8 check so she had a separate checking account without my name on
9 it. The check was automatically going there so she would go to
10 the bank, withdraw the money from an ATM machine, then go to
11 our joint account bank and then deposit the money in bits and
12 pieces on the machine.

13 Q. Why couldn't she just give you a check?

14 A. She could have deposited a check back then. I -- that was
15 her choice. I --

16 Q. You had nothing to do with this?

17 A. No, sir.

18 Q. So, the deposits that go in \$500, \$500, \$500 into your
19 account on a weekly basis, that's not bribes?

20 A. No. That's my wife.

21 Q. That's your wife?

22 A. Yeah.

23 Q. And it has nothing do with Mr. Issa?

24 A. Correct.

25 Q. So the \$100,000 approximately that they showed you in

ICA5iss3

Velez - cross

1 deposits into your bank account was all not Issa's money,
2 correct?

3 A. Correct.

4 Q. So, all of the money you claimed got from Mr. Issa went
5 into your electric box or you just spent it, correct?

6 A. Right.

7 Q. So there was no way we can confirm with any document that
8 Mr. Issa actually paid you money, correct?

9 A. Correct.

10 Q. Excuse me?

11 A. Correct.

12 Q. And did you ask Mr. Issa for money when you were buying a
13 house?

14 A. I might have, yeah. I might have.

15 Q. Did you ask him for \$5,000 or \$10,000 when you were buying
16 a house because you couldn't close without the money?

17 A. I might have.

18 Q. You did, didn't you?

19 A. I don't recall right now. I might have.

20 Q. Let me see if I can help you. Okay?

21 A. I believe -- I am trying to think back because that was a
22 while back.

23 THE COURT: No. There is no question pending, sir.

24 BY MR. BRAFMAN:

25 Q. Did the government ever ask you whether or not Mr. Issa

ICA5iss3

Velez - cross

1 gave you money to help you buy a house?

2 A. No.

3 Q. You know that as a result of your plea you are going to be
4 required to forfeit all of the money you got as a bribe plus
5 any investment you made with that money, correct?

6 A. Correct.

7 Q. And whether you want to or not, they can take it all away
8 from you, right?

9 A. Correct.

10 Q. And you did not want to include the house as a recipient of
11 any of this corrupt money you claim you got, right?

12 A. I -- no, I didn't say that.

13 Q. Well, but that's the truth, isn't it?

14 A. No.

15 Q. If the money went into the house the house could be
16 forfeitable?

17 A. I don't recall any money going into the house.

18 Q. But it did, didn't it?

19 A. No. I don't recall that.

20 Q. You asked him for a favor?

21 A. I might have paid him back.

22 Q. You asked him for a \$5,000 loan for your house. Isn't that
23 true?

24 A. Yes, to put on a -- I think it was some deposit that they
25 needed but I believe I gave it back to him.

ICA5iss3

Velez - cross

1 Q. You have a record of giving it back to him?

2 A. It was all cash money, so he didn't have any record of
3 giving it to me.

4 Q. Well, it wasn't cash money. You gave it to your sister and
5 your sister give you a check which you used as the deposit.
6 Isn't that true?

7 A. My sister-in-law, yes.

8 Q. Your sister-in-law, right?

9 A. Yes.

10 Q. And you told Mr. Issa that, right?

11 A. Gave her the check, right.

12 Q. You told him that's what you were going to do?

13 A. Yes.

14 Q. Because, otherwise, how would he know about your
15 sister-in-law?

16 A. Actually, he didn't want to give me a check so I -- the way
17 I did it, I had my sister-in-law write me a check as a loan,
18 yes.

19 Q. As a loan?

20 A. Yes.

21 Q. This is a copy of the transaction marked as 256, a series
22 of four documents. I want to show it to the witness first.
23 256, do you recognize that as part of your bank statement for,
24 from between July 2014 and August 2014? Is that your bank
25 statement?

ICA5iss3

Velez - cross

1 A. Yes. That's the check deposited, yes.

2 Q. You see where says check deposited?

3 A. Yes.

4 Q. And then the next page is a copy of a deposit slip?

5 A. Yes.

6 Q. And then the next page is the check that you got back from
7 your sister-in-law, correct?

8 A. I can't see it. Can you bring it down?

9 Yes.

10 MR. BRAFMAN: Your Honor, I offer this document into
11 evidence, three pages.

12 MS. HANFT: No objection, your Honor.

13 THE COURT: Admitted.

14 (Defendant's Exhibit 256 received in evidence)

15 BY MR. BRAFMAN:

16 Q. You said it was a loan from your sister-in-law?

17 A. No. It was a loan from Mr. Issa.

18 Q. Why did your sister-in-law get involved in this?

19 A. That's the way Mr. Issa wanted me to do it.

20 Q. He wanted you to do it through your sister-in-law?

21 A. She was loaning me the money.

22 Q. She was loaning it to you?

23 A. You are not listening to me.

24 Q. I'm listening?

25 A. Mr. Issa told me to have somebody else give me the money as

ICA5iss3

Velez - cross

1 a loan, like if I was getting it from someone else.

2 Q. So it was going to be a wash, right?

3 A. So I gave her the \$5,000, she deposited it, and then she
4 gave me the check. He didn't want to be involved in it.

5 Q. Right. Was it a loan?

6 A. From him, yes.

7 Q. And from your sister-in-law?

8 A. No. It was just a wash for her.

9 Q. Wash? Look at the check, what does it say at the bottom?

10 A. It says "gift," yes.

11 Q. What?

12 A. It says a gift, but.

13 Q. Was it a gift?

14 A. No.

15 Q. Was it being disguised as a gift?

16 A. Mr. Issa gave me the money, I gave it to her --

17 Q. That's not the question. The question is your
18 sister-in-law wrote down "gift." It was not a gift, was it?

19 A. No. It was -- it wasn't a gift, no.

20 Q. And it wasn't a bribe either, was it?

21 A. I would say yes.

22 Q. You asked him to help you with the house, right?

23 A. I needed it, yeah. I asked him to.

24 Q. You pleaded with him?

25 A. No. I asked him if he could.

ICA5iss3

Velez - cross

1 Q. And he gave it to you?

2 A. And he, yes, he turned around and gave it to me.

3 Q. And then you tell me you paid him back?

4 A. Yes.

5 Q. So who pays a bribe back?

6 A. It had to be me.

7 Q. What?

8 A. It had to be me.

9 MR. BRAFMAN: Your Honor, can we stop here?

10 THE COURT: No.

11 MR. BRAFMAN: Okay.

12 THE COURT: We can't. We are going to go on for
13 another 10 minutes.

14 BY MR. BRAFMAN:

15 Q. Now, the government asked you on a number of occasions
16 whether you got any money for the house and you flat out denied
17 it to them, didn't you?

18 A. No, I didn't deny it. I told them that I took money out of
19 my account, which I did.

20 Q. That's not the question. Specifically for the house the
21 government asked you whether you used any of the money from
22 Mr. Issa for the house and you said no.

23 A. Correct.

24 Q. And when you said no you knew you were lying to them?

25 A. That's not true.

ICA5iss3

Velez - cross

1 Q. Were you faking?

2 A. That's not true. It got repaid, so.

3 Q. Well, why didn't you tell the government that?

4 A. Because I -- in other words, I didn't use any of his money.
5 I used it to put the money in and then I gave it back to him.

6 Q. You were asked again and again and again on several
7 debriefings --

8 A. Because I used my money. I used my money and my wife's
9 money from the retirement fund for the house.

10 Q. Yes, but they asked you whether Mr. Issa ever gave you any
11 money for the house and you said no.

12 A. Yeah, and I didn't recall the \$5,000 until you brought it
13 up just now, put it up on the screen. Really.

14 Q. You didn't recall until I put it up on the screen?

15 A. Yes.

16 MR. BRAFMAN: Can you give me a minute, your Honor?

17 THE COURT: Yes.

18 BY MR. BRAFMAN:

19 Q. Now I want to show you, so the jury has an understanding of
20 what you were talking about, go back to an area to show you
21 Exhibit 247, which is a multi-page exhibit. Do you see that?

22 A. Yes.

23 Q. It's an e-mail from Mr. Issa to you, right?

24 A. Yes.

25 MS. HANFT: Objection.

ICA5iss3

Velez - cross

1 THE COURT: He hasn't asked a question, just show him
2 the document.

3 BY MR. BRAFMAN:

4 Q. Is that what it is?

5 A. Can you bring it down? Because I can't see the top.

6 Q. It is from Tony Issa?

7 A. A little more? There you go. Yes, now I see it is from
8 Mr. Issa.

9 THE COURT: Please don't ask a question that
10 articulates anything that was said by your client in that
11 e-mail because you can't introduce your client's hearsay
12 statement. So, please don't do that.

13 BY MR. BRAFMAN:

14 Q. The e-mail comes with a series of documents, Exhibit 248 --

15 MS. HANFT: Objection.

16 THE COURT: The objection is sustained. You may not
17 do this. The objection is sustained. Move on to another --

18 MR. BRAFMAN: Did you see Exhibit 248?

19 THE COURT: Move on to another exhibit.

20 MR. BRAFMAN: It is not the e-mail, it is the
21 attachment.

22 THE COURT: The attachment is part of the statement.
23 Move on.

24 MR. BRAFMAN: No, it is not, your Honor.

25 THE COURT: Well, Mr. Brafman, you are going to have

ICA5iss3

Velez - cross

1 to move on right now.

2 BY MR. BRAFMAN:

3 Q. Did Mr. Issa ever send you or did you send him a list of
4 the PMIs that had to be done?

5 A. Yes.

6 Q. In fact, you sent it to him on a number of occasions and in
7 fact it got annoying to you to keep sending him the list,
8 right?

9 A. I sent him the list.

10 THE COURT: The question is did you have to do it over
11 and over again?

12 MR. BRAFMAN: A number of times.

13 THE WITNESS: Yes. As the numbers were coming off of
14 here? Yes.

15 THE COURT: Did it become annoying to you to have do
16 it over and over again?

17 THE WITNESS: It is part of the job.

18 BY MR. BRAFMAN:

19 Q. 248 for identification, is this the list that you sent to
20 Mr. Issa?

21 MS. HANFT: Objection.

22 MR. BRAFMAN: Again and again?

23 THE COURT: Not yet.

24 A. I don't recall. I don't recall. It doesn't have anything
25 from me on there.

ICA5iss3

Velez - cross

1 MR. BRAFMAN: Your Honor, this is not right. It is
2 attached to the e-mail from him.

3 THE COURT: The ground for the objection is?

4 MS. HANFT: Your Honor, this is not in evidence.
5 Mr. Brafman keeps --

6 MR. BRAFMAN: I'm trying to.

7 THE COURT: He is trying to introduce it. Why do you
8 want to keep it out?

9 MS. HANFT: It is hearsay, your Honor.

10 THE COURT: It is hearsay, it stays out.

11 MR. BRAFMAN: It is not hearsay, it is a business
12 record.

13 THE COURT: We will discuss it later. And if it is a
14 business record you haven't established it is a business
15 record. All right?

16 BY MR. BRAFMAN:

17 Q. Was it the normal course of business for the post office to
18 maintain lists of PMIs scheduled --

19 THE COURT: He can't testify -- oh, well, the post
20 Office, yeah, he can. All right. Ask him the question.

21 BY MR. BRAFMAN:

22 Q. Was it the normal course of business for the post office to
23 maintain lists of PMIs that had to be conducted and completed
24 on trucks?

25 A. In our system SEAM, yes.

ICA5iss3

Velez - cross

1 Q. Was it in the normal course of business that these lists
2 were distributed to vendors like Mr. Issa --

3 THE COURT: That doesn't make it a business record.

4 MR. BRAFMAN: I'm not finished.

5 THE COURT: I know, but distribution to Mr. Issa has
6 nothing to do with authenticating it as a business record.

7 BY MR. BRAFMAN:

8 Q. Was this list prepared by post office people?

9 A. Yes.

10 Q. Was the list of PMI that prepared by post office people
11 prepared by people who, at the time, were under a duty to do it
12 accurately?

13 A. This comes out of a system.

14 Q. I know it does.

15 THE COURT: Sir, were the people who put the
16 information into the system under a duty to input that
17 information accurately?

18 THE WITNESS: Yes.

19 THE COURT: And did they do it at or about the time
20 they got the information that they input into the system?

21 THE WITNESS: Yes.

22 THE COURT: And it was part of their job to do that,
23 right?

24 THE WITNESS: Yes, ma'am.

25 MR. BRAFMAN: Thank you, Judge. I offer Exhibit 248

ICA5iss3

Velez - cross

1 as a business record of the post office.

2 MS. HANFT: Your Honor, as long as it's just this
3 attachment, the government does not object.

4 THE COURT: There is no objection. 248 has been
5 authenticated as a business record of the United States.

6 I feel like I am in the middle of Miracle on 34th
7 Street. It is a business record of the post office.

8 MR. BRAFMAN: That movie ends well, doesn't it?

9 THE COURT: Very well. Good evidence ruling. It is
10 in. 248 is in. It is a list of, I think, PMIs. That's what
11 it is. That's all it is.

12 MR. BRAFMAN: It is.

13 THE COURT: That's all it is.

14 MS. HANFT: And we were clarifying, your Honor, that
15 the prior document is not --

16 THE COURT: Not the e-mail, just the list.

17 MS. HANFT: Thank you.

18 THE COURT: Okay.

19 (Defendant's Exhibit 248 received in evidence).

20 BY MR. BRAFMAN:

21 Q. Now that this is in evidence I am going to ask you -- I
22 will turn to some of the pages and you will have to accept my
23 representation in terms of the amount unless you count them,
24 this is a series of pages, each page, we will take one as an
25 example, lists, on the top it has the Westchester VMF, correct?

ICA5iss3

Velez - cross

1 A. Those are the are our maintenance reserve vehicles.

2 Q. And go to the front page, on the top they give you the
3 legend of what these columns are supposed to mean. Do you see
4 that, sir?

5 A. Hmm?

6 Q. So, the first column is "schedule count," yes?

7 A. Yes; one.

8 Q. And two is "parent VMF name" meaning where it originates
9 from? Do you see that?

10 A. Those are all assigned to the VMF.

11 Q. In Westchester?

12 A. Every vehicle on those lists that you have, they're
13 assigned to the Westchester VMF.

14 Q. That's what I'm trying to establish.

15 A. Individual offices are on the right side.

16 Q. I'm getting to that, sir, but this is all under your
17 jurisdiction?

18 A. Yes.

19 Q. You said you had 1,600 trucks; this is the list, correct?

20 A. Yes.

21 Q. Now, then it has a vehicle number so we know what truck we
22 are talking about, correct?

23 A. Yes, sir.

24 Q. And then we have a "EAM/last PMI schedule start date." Do
25 you see that?

ICA5iss3

Velez - cross

1 A. That's when it is due.

2 Q. That's when it is due?

3 A. Yes.

4 Q. Now, this list was sent to you on April 2015?

5 A. Excuse me?

6 Q. Do you know whether this list was sent to you in April of
7 2015? Were you aware the list was prepared in April of 2015?

8 A. I don't know.

9 Q. So, each one --

10 A. Every day the list is updated. Every day. So, I don't
11 know when this sheet was from.

12 Q. And if you look at the column that says "last PMI scheduled
13 start date," they have all different scheduled start dates,
14 correct?

15 A. Yes.

16 Q. And on the first page they're all in 2014 until you get to
17 the bottom where it's 2013, correct?

18 A. Yes. Those are vehicles that are past due.

19 Q. That are what?

20 A. That would be past due.

21 Q. If you look at this list, would it be a fair statement that
22 all of these vehicles are past due?

23 A. I don't know what date this was printed out so I couldn't
24 tell you.

25 Q. Let me just show you the e-mail that's not in evidence

ICA5iss3

Velez - cross

1 identified as 247 and see if it refreshes your recollection
2 that this --

3 THE COURT: See if it refreshes your recollection as
4 to when the list was printed. All right? Just take a look.

5 BY MR. BRAFMAN:

6 Q. If you look at the bottom, also, of the e-mail, 247?

7 THE COURT: See if it jogs your memory about when this
8 particular list was printed.

9 A. April 7th, yes.

10 Q. I'm sorry?

11 A. April 7th of 2015.

12 Q. Thank you.

13 So, all of these VMIs were long overdue. Would that
14 be a fair statement?

15 A. Yes.

16 Q. Because they would have to be within the last six months as
17 the latest, correct?

18 A. These were all past due.

19 Q. Okay. That's what you inherited when you took over the VMF
20 in Westchester, correct?

21 A. Yes.

22 THE COURT: Okay. Now we can stop.

23 MR. BRAFMAN: Thank you.

24 THE COURT: All right. So, folks, I will see you at
25 2:00 on the dot. This is one of those days when I have Chief

ICA5iss3

Velez - cross

1 Judge McMahon stuff at the end of the day. They're dedicating
2 the new Center for Civic Education next-door in the other court
3 house and I have to go so we will go until 4:00 today.

4 Don't discuss the case, keep an open mind.

5 (Continued on next page)

ICA5iss3

Velez - cross

1 (Jury not present)

2 (Witness steps down)

3 THE COURT: Sir, don't discuss anything with the
4 government lawyers over the lunch break.

5 THE WITNESS: Yes.

6 THE COURT: Okay. I will see you at 2:00.

7 (Luncheon recess)

8 (Continued next page)

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ICAHIss4

Velez - Cross

AFTERNOON SESSION

2:08 p.m.

(In open court; jury present)

THE COURT: Hi everybody.

Sir, you're still under oath. Have a seat.

Mr. Brafman.

MR. BRAFMAN: Yes, ma'am.

ISMAEL VELEZ, resumed.

CROSS-EXAMINATION CONTINUED

BY MR. BRAFMAN:

Q. Mr. Velez, before lunch we showed you certain documents, and you testified briefly about your awareness that from time to time Duploy, one of Mr. Issa's companies, would notify you of double billing and return the money to the post office?

A. Correct.

Q. And on one occasion, you thanked him for their honesty?

A. Yes.

Q. Did you know whether or not Duploy sometimes sent out bills for First Star or whether First Star sometimes sent out bills for Duploy? Did you know that?

THE COURT: Did you know if that happened, sir? Do you know if that happened?

A. I don't recall right now.

Q. But you knew that Duploy was a towing company, correct?

A. Yes.

ICAHIss4

Velez - Cross

1 Q. Whereas First Star was repairs and PMIs, correct?

2 A. Correct.

3 Q. When you look at amounts, can you tell if it's for a PMI or
4 for repair or for towing?

5 A. Unless it's in the description, depends on the description.

6 Q. Let me show you what's been marked for identification as
7 Exhibit 215, just for identification, and ask if you -- if
8 these materials look familiar to you during the period that you
9 were in charge of Westchester.

10 A. That -- that document has nothing to do with me.

11 Q. Nothing to do with you?

12 A. No.

13 THE COURT: OK. Let's move on, please.

14 MR. BRAFMAN: OK.

15 Q. Did there come a time when Allan Balicki became your new
16 boss?

17 A. Yes.

18 Q. And what was your relationship with Mr. Balicki? What was
19 your job? What was his job?

20 A. My job was manager of vehicle maintenance. He was regional
21 manager.

22 Q. And he was someone you had to answer to?

23 A. Yes.

24 Q. And without going into details or getting yelled at, would
25 it be fair to say that you and he had a contentious

ICAHIss4

Velez - Cross

1 relationship?

2 A. Yes.

3 Q. Do you know what that word means, sir?

4 A. Yes.

5 Q. It was a difficult relationship, correct?

6 A. Yes.

7 Q. All right. Now, he came over from Boston, correct?

8 A. No, Springfield, Massachusetts.

9 Q. I'm sorry. From Massachusetts, correct?

10 A. Yes.

11 Q. And now he was transferred to Westchester to be the VMF
12 regional manager that included Westchester?

13 A. That included Westchester. There were eight VMFs that he
14 was in charge of.

15 Q. Including your VMF in Westchester?

16 A. Yes.

17 Q. Would it be a fair statement that depending on the area and
18 the region, the VMFs had to deal with different issues
19 concerning geography and condition of vehicles, and so on?

20 A. Yes.

21 Q. And were you trying to explain that to Balicki from time to
22 time?

23 A. Yes.

24 Q. Was it fair, essentially, his way or the highway?

25 A. Correct.

ICAHIss4

Velez - Cross

1 Q. All right. Now, I think you told the jury that whenever
2 Mr. Issa wanted more money, wanted more work, you gave him more
3 money?

4 A. Can you say that again.

5 Q. Did you tell the jury that as a practical matter, when
6 Mr. Issa wanted more work, you would ask for more money?

7 A. No, that's not true.

8 Q. Does your amount that you were allegedly receiving have
9 anything to do with the amount of work that you were giving
10 Mr. Issa?

11 A. No.

12 Q. So there was no "I give you this, you give me that"?

13 A. No.

14 Q. OK. Thank you.

15 Now, there came a time when you agreed to plead guilty
16 to a crime, correct?

17 A. Yes.

18 Q. And this was sometime in October of 2017?

19 A. Yes.

20 Q. Before you agreed to plead guilty, how many times had you
21 met with the government by that time?

22 A. About three or four times.

23 Q. And in each of those meetings, they lasted several hours?

24 A. Yes.

25 Q. And you told them things and they told you things?

ICAHIss4

Velez - Cross

1 A. Yes.

2 Q. And they showed you documents and let you review them?

3 A. Yes.

4 Q. All right. Now, ultimately, you prepared -- I'm sorry.

5 You agreed to sign a cooperation agreement, correct?

6 A. Yes.

7 Q. And that cooperation agreement is in evidence as Government
8 Exhibit -- is it in evidence?

9 THE COURT: It is.

10 MR. BRAFMAN: What is the exhibit number, please?

11 THE COURT: I don't remember.

12 MS. HANFT: 3549.

13 MR. BRAFMAN: It's the 3500 number?

14 MS. HANFT: Yes.

15 BY MR. BRAFMAN:

16 Q. So your cooperation agreement, you read it carefully before
17 you signed it?

18 A. Yes.

19 Q. And you had a lawyer who helped you along with that?

20 A. Yes.

21 Q. And you discussed it with her before you signed it?

22 A. Yes.

23 Q. And you understood what you were signing?

24 A. Yes.

25 MR. BRAFMAN: All right. Could we have the first page

ICAHIss4

Velez - Cross

1 of that agreement on the screen that was used on direct? It's
2 3549-16. I can use the ELMO if you want me to.

3 MR. WIRSHBA: We don't have it loaded on.

4 MR. BRAFMAN: I'll use the machine here. This is in
5 evidence. Can we show it to the jury, please.

6 Q. Do you see it, Mr. Velez?

7 A. Yes, sir.

8 Q. That's a copy of your cooperation agreement with the U.S.
9 Attorney's Office, correct.

10 A. Correct.

11 MR. BRAFMAN: All right. Now, does the jury have it?

12 Q. Now I'm going to point you to the second paragraph,
13 beginning with the word "the defendant," that's you, and I'm
14 going to read it with you and ask you some questions:

15 "The defendant furthermore admits the forfeiture
16 allegations with respect to Count One of the information, and
17 agrees to forfeit to the United States pursuant to Title 18" --
18 I'll skip the sections of the code -- "a sum of money
19 representing all property, real and personal, which constitutes
20 or is derived from proceeds traceable to the commission of the
21 offense charged in Count One of the information (the money
22 judgment). It is understood that any forfeiture of the
23 defendant's assets shall not be treated as satisfaction of any
24 fine, restitution, cost of imprisonment, or any other penalty
25 the Court may impose upon him in addition to the forfeiture."

ICAHIss4

Velez - Cross

1 Did you read it with me?

2 A. Yes.

3 Q. Do you understand it?

4 A. Yes.

5 Q. Do you understand that, as part of your agreement, you have
6 to give the government any money that you claim was given to
7 you as a bribe?

8 A. Yes.

9 Q. And it's your testimony that you didn't put any of that in
10 the bank, correct?

11 A. Correct.

12 Q. And you didn't put any of it in your house?

13 A. No.

14 Q. The \$5,000 that Mr. Issa gave you for the house you gave
15 back to him, is that correct?

16 A. Correct.

17 Q. And so what you've essentially done by testifying in this
18 manner is you've insulated yourself from this forfeiture
19 agreement, is that correct?

20 MS. HANFT: Objection.

21 THE COURT: The objection's overruled. You're free go
22 into it on redirect.

23 Q. When you put the money in the basement like you say you
24 did, you spent it, right?

25 A. Yes.

ICAHIss4

Velez - Cross

1 Q. It's gone?

2 A. Yes.

3 Q. Are you in a position to give the government back this
4 money or \$100,000 they claim you took as bribes?

5 A. I'm broke.

6 Q. So what is the point of this, agreeing to this? It's
7 meaningless, isn't it?

8 MS. HANFT: Objection.

9 THE COURT: The objection's sustained.

10 MR. BRAFMAN: Thank you.

11 Q. Now let's go down to the third paragraph on the page. I'm
12 going to move this up a little bit.

13 Do you have it where it starts, "It is understood"?
14 Do you have it, sir?

15 A. Yes.

16 Q. I'm going to read it out loud and then ask you some
17 questions:

18 It is understood that defendant (a) shall truthfully
19 and completely disclose all information with respect to the
20 activities of himself and others concerning all matters about
21 which the office inquiries of him, which information can be
22 used for any purpose; shall cooperate fully with the office,
23 the United States Postal Service of the Inspector General,
24 Internal Revenue Service, and any other law enforcement agency
25 designated by this office. He shall attend all meetings at

ICAHIss4

Velez - Cross

1 which this office requests his presence, your presence; shall
2 provide to the office upon request any document, record, or
3 tangible evidence relating to matters about which this office
4 or any designated law enforcement agency inquires of him; shall
5 truthfully testify before the grand jury at any trial and other
6 court proceeding with respect to any of the matters about which
7 this court may request his testimony; shall bring to the
8 attention -- bring to the attention to this office crimes which
9 he has committed and all other administrative, civil, or
10 criminal proceedings, investigation, or prosecutions he has
11 been a subject, party, or witness, and shall commit no further
12 crimes. Moreover, any assistance the defendant may provide the
13 federal criminal investigation shall be pursuant to the
14 specific instructions and control of his office and designated
15 investigators.

16 Do you understand the paragraph I just read?

17 A. Sort of, yes.

18 Q. I'm sorry?

19 A. Sort of, yes.

20 Q. Sort of?

21 A. Yes.

22 Q. Let me break it down for you. You can't commit any more
23 crimes since the date of the agreement, correct?

24 A. Correct.

25 Q. And if you did that, you would violate the terms of the

ICAHIss4

Velez - Cross

1 agreement?

2 A. That's correct.

3 Q. And you would have no agreement and your plea would be
4 guilty and you couldn't pull it back, right?

5 A. Correct.

6 Q. And the government would not give you any credit for your
7 cooperation?

8 A. Correct.

9 Q. Your objective by signing this agreement is to hopefully
10 get what you call a 5K letter?

11 A. Correct.

12 Q. Correct?

13 A. Yes.

14 Q. And the government has the decision whether or not to write
15 that letter to the judge who's going to sentence you, right?

16 A. Yes.

17 Q. And then the judge can decide what, if any, weight to give
18 to that letter?

19 A. Yes, sir.

20 Q. And you understand that the letter is a form of asking for
21 leniency for you in consideration of your cooperation, right?

22 A. Correct, sir.

23 Q. And that's something you want?

24 A. Hope to get.

25 Q. You want that, right? You want that letter?

ICAHIss4

Velez - Cross

1 A. Yes, sir.

2 Q. All right. Who has the decision as to whether or not you
3 get the letter?

4 A. The prosecution, I guess.

5 Q. The people at the front table?

6 A. Yes, sir.

7 Q. The judge cannot order them to do that if they don't want
8 to, right?

9 A. Right.

10 Q. And in order to get the letter from the government, you
11 must testify in a manner that they believe to be truthful,
12 correct?

13 A. Correct, sir.

14 Q. What?

15 A. Correct, sir.

16 Q. Now, if you testify and you lie but they believe you, do
17 you get the letter?

18 A. If I lie in the --

19 Q. If you lie and they believe you, do you get the letter?

20 A. If I lie, that's not good.

21 Q. I understand it's not good to lie, but my question is they
22 get the decision as to whether or not you're telling the truth,
23 right?

24 A. They have the decision, yes.

25 Q. If you tell the truth but they don't believe you, do you

ICAHIss4

Velez - Cross

1 get the letter?

2 A. I don't know. That's up to them.

3 Q. If you tell the truth but they do not believe you, they
4 think you are lying, you don't get the letter, do you?

5 A. Correct.

6 Q. Now, one of the obligations to them for you is to give them
7 information concerning everything you've done of a criminal
8 nature, correct?

9 A. Correct.

10 Q. And you also have to -- you want to get coverage for the
11 crimes you've committed, correct? You know what that means?

12 A. Coverage? What do you mean?

13 Q. If you tell them about a crime you committed during the
14 period of the agreement, you get covered for it; meaning,
15 they're not going to prosecute you separately for it, correct?

16 A. I don't know that.

17 Q. Well, it requires you -- your paragraph No. 3 on page 1
18 requires you, on the top of -- bottom of page 1, going onto the
19 top of page 2, "Shall bring to this office's attention all
20 crimes which he has committed." I'll stop there.

21 Do you see that? I'm sorry?

22 A. I can't see. You've got to pull it down.

23 Q. You see it?

24 A. While I'm here, you're saying?

25 Q. No. When you are under this agreement, this agreement

ICAHIss4

Velez - Cross

1 covers a certain period of time, right?

2 A. Yes, sir.

3 Q. And from the date you signed this agreement, which is
4 September 29, 2017, what you were doing is you are essentially
5 pleading guilty to crimes that you committed in the first
6 paragraph while you were a post office employee and taking
7 money, correct?

8 A. Correct.

9 Q. And you need to tell them about all of the crimes you
10 committed in order to get coverage for those crimes, correct?

11 A. Yes, sir.

12 Q. So if you had a bribe from somebody else and you tell them
13 about it, they're not going to prosecute you for it; you'll get
14 coverage, correct?

15 A. I don't know.

16 Q. But if you withheld information about a crime you
17 committed, all deals are off, correct?

18 A. Yes, sir.

19 Q. OK. I just want to make sure we're clear on that. If you
20 had not told them about a crime you committed, all deals are
21 off. That's what you just said, correct?

22 A. Yes, sir.

23 Q. So let's talk a minute about what happened after Mr. Issa
24 was arrested and after he was no longer doing business with the
25 post office.

ICAHIss4

Velez - Cross

1 You still needed money, right? Your financial
2 condition didn't improve; got worse?

3 A. Yes.

4 Q. And that's why you started taking things from another
5 vendor, Garrison, Mr. Arafat, correct?

6 A. He started doing business with the post office after that,
7 yeah.

8 Q. And you started taking things of value from him?

9 A. No.

10 Q. No.

11 You told the government about tickets, right? He
12 offered you tickets to a show, but you paid for them, right?

13 A. What tickets?

14 Q. You didn't tell the government about tickets that Arafat
15 offered you and you paid for them?

16 A. No.

17 Q. You sure?

18 A. Well, yeah, I paid him a dollar for it. That's what he
19 wanted.

20 Q. So he gave you tickets to a Broadway show?

21 A. Yeah, he sold them to me.

22 Q. For a dollar?

23 A. Yes, sir.

24 Q. And he at the time --

25 A. He wasn't going to go.

ICAHIss4

Velez - Cross

1 Q. At the time he was working on stuff for the post office?

2 A. He sold me the tickets because he wasn't gonna go.

3 Q. That's not the point. The point is the tickets had much
4 more value than a dollar, correct?

5 A. Probably a little more, yeah.

6 Q. What show was it?

7 A. It was -- it was a football game, but I didn't -- I didn't
8 get to go.

9 Q. But you bought them intending to go?

10 A. Yeah, I didn't get to go.

11 Q. And you told the government that you paid for the tickets?

12 A. Yeah, but I didn't go.

13 Q. You didn't pay for the tickets?

14 A. I paid him what he wanted, a dollar.

15 Q. And now this Arafat person, you took him to your home and
16 taught him how to do invoices on several occasions, isn't that
17 correct?

18 A. To my home, no.

19 Q. To his home?

20 A. No.

21 Q. Did you meet him and teach him how to do invoices?

22 A. No, sir.

23 Q. Never?

24 A. Nope.

25 Q. Did you help him get his work processed?

ICAHIss4

Velez - Cross

1 A. No. All he had to do was fix -- fix vehicles and invoice
2 the company.

3 Q. And this is Garrison, right?

4 A. Garrison, yeah.

5 Q. How much money did you start giving Garrison?

6 A. How much money?

7 Q. How much work did you start giving Garrison?

8 A. We gave them vehicles that were going out for Christmas, to
9 get them prepped to use them for Christmas.

10 Q. I don't understand.

11 A. For Christmas delivery. These were vehicles that were
12 replaced and that were going to be sent out to auctions, but my
13 boss wanted me to put them back into service and to get
14 somebody to repair them. And the amount -- allotted time that
15 we had, we couldn't do them all at the VMF, so we used Garrison
16 to do the repairs.

17 Q. And Garrison out of all of the vendors that were available
18 to you?

19 A. Garrison was recommended by one of the postmasters.

20 Q. And you accepted him, right?

21 A. Yeah, we -- we used him. We were already using him through
22 one of the post offices.

23 Q. And was that before or after the tickets?

24 A. Excuse me?

25 Q. Was that before or after he gave you the tickets?

ICAHiss4

Velez - Cross

1 A. That was -- I don't know.

2 Q. And the tickets weren't used to influence you in any way?

3 A. That was -- no.

4 Q. Now, when the government asked you about the tickets, do
5 you remember what you said?

6 A. When the government asked me for the -- about the tickets?
7 I bought them.

8 Q. What did you say to the government about the tickets?

9 A. I bought them. I don't recall what you're talking about.

10 Q. You told the government that you declined the tickets for
11 free, but you purchased them from Arafat, correct?

12 A. Yes.

13 Q. You didn't tell them you purchased them for a dollar, did
14 you?

15 A. He offered them for free, and I told him I can't accept
16 them for free.

17 Q. And in your mind, paying a dollar for the tickets was not
18 getting them for free?

19 A. He said -- he offered them to me for a dollar.

20 Q. You're not allowed to do that when you're working for the
21 post office, take tickets for a football game from someone
22 you're giving business to?

23 A. Less than 20 bucks.

24 Q. And these tickets to a football game were less than 20
25 bucks? What football game?

ICAHIss4

Velez - Cross

1 A. I don't know what they were worth at the time. I didn't
2 get to use them anyway.

3 Q. Did you tell the government about the car he gave you?

4 A. No, I don't have a car.

5 Q. You didn't get a car from Mr. Arafat, a Mercedes?

6 A. He let me borrow it, and then he wanted it back.

7 Q. Excuse me. It's a Mercedes, right?

8 A. Yeah.

9 Q. He let you borrow it?

10 A. Yes.

11 Q. And then he wanted it back?

12 A. Yeah.

13 Q. And you gave it back to him?

14 A. Had to.

15 Q. Didn't you register it in your wife's name?

16 A. Yes.

17 Q. So that's how you give it back. It's still in your wife's
18 name?

19 A. I registered it under my wife's name, and it's not there no
20 more. I don't have it.

21 Q. That's not the point. He gave you a car?

22 A. I don't have it anymore.

23 Q. Will you answer the question. Did he give you a car?

24 A. He --

25 THE COURT: Yes or no, sir?

ICAHIss4

Velez - Cross

1 A. No.

2 Q. Now, you're under oath. I just want to remind you.

3 A. Yes.

4 Q. And you have to tell the truth whether it's good for us or
5 bad for us. You understand?

6 A. Yes, sir.

7 Q. And whether it's good for the government or bad for the
8 government, correct?

9 A. Yes, sir.

10 Q. Did you tell the government that after Mr. Issa was
11 arrested, you got a Mercedes from Mr. Arafat which you
12 registered in your wife's name in Duploy, Pennsylvania?

13 THE COURT: Did you tell that to the government, yes
14 or no?

15 A. No.

16 Q. Did you do it and keep it from the government because you
17 knew that would violate the terms of your agreement?

18 A. No, because I was -- that was actually prior to getting --
19 getting arrested by them, I think.

20 Q. But you're supposed to tell them about the stuff that you
21 did that was illegal in connection with your work as a post
22 office vehicle maintenance manager, isn't that true?

23 A. Yes, sir.

24 Q. And you did not tell them about this car?

25 A. No, I did not.

ICAHIss4

Velez - Cross

1 Q. And you got the car from Arafat who was soliciting work
2 from you to his company Garrison?

3 THE COURT: Is that correct, sir?

4 A. Yes.

5 Q. And he did get work for Garrison, correct?

6 A. He who? Who's "he"?

7 Q. Garrison got work from the post office?

8 A. Yes.

9 Q. And how much was the value of this car at the time you got
10 it from him?

11 A. I think about 4,000, \$5,000.

12 Q. How about 25,000?

13 A. No, it was not worth --

14 Q. It was a Mercedes. You want to take back the 4,000?

15 A. It was a 2008 car, old car.

16 Q. Did you register the car?

17 A. We registered it, yeah.

18 Q. And you registered it in your wife's name, right?

19 A. Yeah. He gave it to her so she could use it, but it had a
20 lot of problems, so we got rid of it.

21 Q. But when you gave it to her, it was a Mercedes that you got
22 from a vendor, correct?

23 A. Yes.

24 Q. And when you got the car, you were sending texts back and
25 forth to Mr. Arafat thanking him, correct?

ICAHIss4

Velez - Cross

1 A. Yes.

2 Q. In fact, you said, "Wow, thank you," isn't that correct?

3 MS. HANFT: Objection.

4 THE COURT: Objection's overruled.

5 Q. Isn't that what you said? You want me to show you the
6 text?

7 A. Probably said that.

8 Q. In fact, you kept texting him because you didn't know how
9 to work the car, right?

10 A. It had issues.

11 Q. No. It had issues? You didn't know how to turn on the
12 lights. That's not an issue. That's you were asking a former
13 owner how to turn on the light of a Mercedes that he gave you,
14 correct?

15 A. It had issues.

16 Q. I'm asking you --

17 THE COURT: Sir, could you please just answer his
18 question. You know, Mr. Brafman is being very careful at this
19 point to ask questions that can only be answered yes or no.

20 THE WITNESS: OK.

21 THE COURT: So I would appreciate it if you would
22 answer the questions yes or no.

23 THE WITNESS: OK.

24 Can you repeat the question?

25 Q. Why don't I do it this way: I'm going to show you

ICAHIss4

Velez - Cross

1 Defendant's Exhibit 254, put it on the screen, just for
2 identification.

3 Mr. Velez, the government showed you certain texts
4 between yourself and Mr. Issa that are in evidence, correct?

5 A. Yes, sir.

6 Q. He didn't show you any texts between you and Mr. Arafat,
7 correct, sir?

8 A. No, sir.

9 Q. But you know you had text messages with Mr. Arafat,
10 correct?

11 A. I didn't recall at the time. I was too --

12 Q. Your phone number at the time was (914) 573-3602? I'm
13 sorry, 36002?

14 A. I don't recall that number.

15 Q. All right. Let's put this on the screen. It's identified
16 as Exhibit 254, and then I'm going to go to the next page. I'm
17 sorry. Let me use the one that's highlighted.

18 I'm going to go to the next page where it's
19 highlighted and ask you to look at the next page and tell me,
20 sir, whether these are, in fact, a series of texts between you
21 and Mr. Arafat concerning the car, correct?

22 A. No, that's not my number, no.

23 Q. (914) 346-7674 is not your number?

24 A. No, sir.

25 Q. That's not you talking to Mr. Arafat about the car?

ICAHIss4

Velez - Cross

1 A. No, sir.

2 Q. Did you talk to Mr. -- did you use somebody else's number?

3 A. No.

4 Q. Didn't you tell the government that you used a burner phone
5 during this period?

6 A. That's not my phone.

7 Q. It's not your phone?

8 A. No.

9 Q. So who's talking to -- look at it and ask if it refreshes
10 your recollection.

11 Did you ask him about the lifetime warranty?

12 A. That's not my phone. That's --

13 Q. Did you ask him about the lifetime warranty?

14 A. That's not me. That's somebody else.

15 Q. But you had the car, right?

16 A. Not -- not at that time, no.

17 Q. Did your wife take it in for servicing or did you take it
18 in for servicing?

19 A. I might have. I don't --

20 Q. Is your wife Arlyn?

21 A. I might have.

22 Q. Is your wife's name Arlyn?

23 A. Yes.

24 Q. I want to show you what's marked for identification as
25 Defendant's Exhibit 255, and you remember Keenan Motors?

ICAHIss4

Velez - Cross

1 A. Yes.

2 Q. And is that where the service was done?

3 A. Yes, sir.

4 Q. Could you look at this and tell me whether this is a record
5 that shows your wife servicing that car in Keenan Motors?

6 A. Yeah, that's her car, yeah.

7 MR. BRAFMAN: I'm going to offer it into evidence,
8 your Honor.

9 MS. HANFT: Objection. Hearsay.

10 THE COURT: The objection's sustained.

11 Q. Now let's look at some documents, if we can.

12 Give me 252.

13 I'm showing you 252 for identification. Just starting
14 with the registration information, ignore the top because
15 that's how the report was obtained, but this is registration
16 information for your wife?

17 MS. HANFT: Objection, your Honor.

18 Q. Do you recognize this document as the registration of the
19 vehicle by your wife? Do you?

20 MS. HANFT: Objection.

21 A. Yes.

22 MR. BRAFMAN: I offer it into evidence.

23 THE COURT: The objection's overruled.

24 MR. BRAFMAN: Thank you.

25 (Defendant's Exhibit 252 received in evidence)

ICAHIss4

Velez - Cross

1 BY MR. BRAFMAN:

2 Q. Now that it's in evidence, let's go over the pertinent
3 information.

4 First of all, you know from being a car person that
5 every car has a VIN number?

6 A. Yes, sir.

7 Q. And every car, in the United States at least, has only one
8 VIN number?

9 A. Yes, sir.

10 Q. That's how the police can track a vehicle through that,
11 correct?

12 A. Yes, sir.

13 Q. All right. And when you register a new car, the VIN number
14 stays the same, correct?

15 A. Yes, sir.

16 Q. Even if you change the plates, the VIN number stays the
17 same?

18 A. Yes, sir.

19 Q. And the VIN number here, so that it's in the record is
20 4JGBBBG6E88A434706. Did I read it correctly?

21 I'm going to do it one more time. I'm told I missed a
22 number. 4JGBB86E88A434706, correct?

23 A. Yes.

24 Q. And it's registered to Arlyn Serrano Velez in Doylestown,
25 Pennsylvania. That's your wife, sir, isn't it?

ICAHIss4

Velez - Cross

1 A. Yes, sir.

2 Q. This is in or about the date -- this is a 2008 Mercedes,
3 correct?

4 A. Yes.

5 Q. And that's the car we're talking about, correct?

6 A. Yes, sir.

7 Q. Just so we're clear, the car that you were given by
8 Mr. Arafat was registered in your wife's name. Did you
9 consider that car, however much it was worth, a bribe from
10 Mr. Arafat?

11 A. Looking at it, I would say yes.

12 Q. Did you tell the government about it?

13 A. No, we never spoke about it.

14 Q. I'm sorry?

15 A. We never spoke about it.

16 Q. You forgot about a Mercedes that you got from a vendor?

17 A. We never spoke about it.

18 Q. So if they didn't ask you, you didn't have to tell them?

19 A. I didn't even remember because we were doing Mr. Issa's
20 stuff.

21 Q. So you completely forgot about a gift of a Mercedes and you
22 remember the \$5 sandwich at Jimbo's?

23 A. That was the first time I went out to lunch with him.

24 MR. BRAFMAN: Now, if I may have a minute, your Honor?

25 Q. I want to go back to the agreement you signed with the

ICAHIss4

Velez - Cross

1 government for a moment, if I may.

2 Now, the first page of your agreement which is in
3 evidence says, beginning on the third paragraph: It is
4 understood that the defendant (a) shall truthfully and
5 completely disclose all information with respect to the
6 activities of himself and others concerning all matters about
7 which the office inquires, which information can be used for
8 any purpose.

9 Do you read that correctly?

10 A. Yes.

11 Q. Do you understand that to mean so long as the government
12 doesn't ask you, you don't have to tell them?

13 A. Anything that they want is what I have to give them.

14 Q. How would they even know to ask you about a car that you're
15 not telling them about that's clearly a bribe that you even
16 admit to?

17 A. I didn't think of it, sir. At the time I didn't think of
18 it.

19 Q. And now it says: Shall cooperate fully with the office --
20 and I'll skip a little bit. Shall attend all meetings; shall
21 provide this office upon a request any document, record, or
22 tangible evidence relating to matters about which this office
23 or any designated law enforcement agency inquiries; shall
24 truthfully testify; shall bring to this office's attention all
25 crimes he has committed -- sorry -- and all crimes he has

ICAHIss4

Velez - Cross

1 committed, period.

2 OK. You got to tell them about crimes you have
3 committed, correct?

4 A. Yes, sir.

5 Q. And you didn't tell them about the Arafat bribe of a
6 Mercedes-Benz, correct?

7 A. Correct.

8 Q. You believe, as you sit here today, that you have violated
9 the terms of your agreement or do you get a pass?

10 A. I didn't think of it at the time, so I didn't -- I admitted
11 it, and I would say that it's a crime.

12 Q. That's what?

13 A. That it's a crime.

14 Q. Do you believe that you could be prosecuted for that or you
15 get a pass for that crime?

16 A. No, I could be prosecuted for it.

17 Q. And as you sit here today, do you believe that they have
18 the right to tear up your cooperation agreement?

19 A. Yes, sir.

20 Q. Do you honestly believe that that's going to happen?

21 A. Could be.

22 MR. BRAFMAN: Nothing further.

23 THE COURT: Thank you.

24 Is there any redirect from the government?

25 MS. HANFT: Briefly, your Honor.

ICAHIss4

Velez - Redirect

1 MR. BRAFMAN: Your Honor.

2 THE COURT: Did you forget one?

3 MR. BRAFMAN: No, it's OK. I'll do it in summation.

4 THE COURT: OK.

5 REDIRECT EXAMINATION

6 BY MS. HANFT:

7 Q. Mr. Velez, do you recall being asked on cross-examination
8 about the various items that Mr. Issa gave you? Do you recall
9 being asked about, for example, cash payments that Mr. Issa
10 gave you?

11 A. Yes.

12 Q. Do you recall Mr. Brafman asking you whether you always
13 thought of that as a bribe?

14 A. Yes.

15 Q. As you began to get money from Mr. Issa, did you come to
16 think of that money as a bribe?

17 A. Yes, later on.

18 Q. Did you come to think of it as a bribe while you were
19 getting the money?

20 A. In the very beginning, no, I just thought -- I thought of
21 it as a friend giving me money, but then, you know, when he
22 started to request more and more work and then told me that he
23 was gonna cut me off, I didn't have a choice but to give him
24 work, and I knew at that point that it was a bribe.

25 Q. When you first started giving work to Mr. Issa's companies,

ICAHIss4

Velez - Redirect

1 is it fair to say that at the beginning you were somewhat
2 satisfied?

3 A. In the beginning, yes.

4 Q. And then as time went on, were there more problems or fewer
5 problems?

6 A. There were more problems with the company, and they just
7 was not up to par, no.

8 Q. As time went on, what, if anything, happened to the amount
9 of money that you were getting from Mr. Issa?

10 A. It increased.

11 Q. You recall Mr. Brafman asking you about that first day when
12 OIG agents approached you?

13 A. Yes.

14 Q. Do you recall him asking whether you told them that you did
15 not accept shoddy work?

16 A. Correct.

17 Q. Is that true, did you accept shoddy work?

18 A. Work you mean -- there was times that there was a lot of
19 issues with the vehicles, and I had to contact the company to
20 let them know that they brought me back a vehicle that was
21 limping. It wasn't working right.

22 Q. That first time, had you met with the government yet? When
23 the OIG agents came to see you in your office, had you met with
24 the government at all?

25 A. No.

ICAHIss4

Velez - Redirect

1 Q. Had you talked about this crime at all before with any law
2 enforcement agents?

3 A. About the bribe?

4 Q. About that time, yes.

5 A. No.

6 Q. So why did you say that you did not accept shoddy work that
7 day?

8 A. I was nervous. I was scared, and I just --

9 THE COURT: All right. Go ahead.

10 A. I just -- you know, I wanted to tell them, you know, how I
11 felt about the work that I was getting from -- you know, the
12 work performance that I was getting from them, you know, at
13 that time wasn't as bad, but it really started to get bad.

14 Q. Now, you a moment ago mentioned Mr. Issa threatening to
15 stop giving you work. What would he say when he -- sorry, to
16 stop giving you money. What would he say when he threatened to
17 stop giving you money?

18 A. At first I would call to go pick up money from Sohail, and
19 when I'd call him, he says, "Oh, there's nothing here for you."
20 So I would send a text to Mr. Issa to tell him, you know, "What
21 happened with my brother?" that's how I used to refer to
22 Sohail. He says, "Oh, we have to talk." And when we would
23 talk, he says, "Well, I'm not getting any work, and Danny's
24 giving work out to everybody else. I'm not getting any work at
25 the shop. My mechanics are sitting down doing nothing while

ICAHIss4

Gorboul - Direct

1 everybody else is working, and I'm not doing anything." And I
2 said, "Everybody -- you know, there's a lot of work, and once
3 we catch up to where we have to be at, the work is going to
4 slow down substantially."

5 Q. Did you think Mr. Issa was giving you the cash because he
6 was your friend or because he wanted work from you?

7 MR. BRAFMAN: Objection.

8 THE COURT: The objection's sustained.

9 MS. HANFT: One moment.

10 No further questions, your Honor.

11 THE COURT: Thank you.

12 Anything else?

13 MR. BRAFMAN: No your Honor.

14 THE COURT: Thank you, sir. You may step down.

15 Call your next witness, please.

16 (Witness excused)

17 MR. WIRSHBA: Government calls Marina Gorboul.

18 MARINA GORBOUL,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 THE COURT: You may inquire.

22 MR. WIRSHBA: Thank you, your Honor.

23 DIRECT EXAMINATION

24 BY MR. WIRSHBA:

25 Q. Good afternoon, Ms. Gorboul.

ICAHIss4

Gorboul - Direct

1 A. Good afternoon.

2 Q. Where do you currently work?

3 A. Global Partners.

4 Q. What's Global Partners?

5 A. It's a company that owns hundreds of gas stations and
6 operates them between Pennsylvania and Maine.

7 Q. What's your title at Global Partners?

8 A. Assistant director of accounting.

9 Q. How long have you been there at Global Partners?

10 A. Four and a half years.

11 Q. What are the roles that you have had there?

12 A. I started as a senior accountant. A year later I was
13 promoted to general ledger supervisor. Ten months later I was
14 promoted to general ledger manager. And about a year and a
15 half later, I was promoted to my current role.

16 Q. For those of us who are not accountants, what's the general
17 ledger?

18 A. It's a main accounting department that combines
19 transactional data from subledgers, such as accounts
20 receivable, accounts payable, retail.

21 Q. What are your duties and responsibilities in your current
22 role as assistant director of accounting?

23 A. I oversee functions of accounts receivable and accounts
24 payable departments.

25 Q. What's Global Montello?

ICAHIss4

Gorboul - Direct

1 A. Global Montello is subsidiary of Global Partners.

2 Q. Does Global Montello has a gasoline distribution business?

3 A. Yes, they do.

4 Q. Does Global Montello run all of its gas stations in the
5 same way?

6 A. No.

7 Q. What are the different types of gas stations with which
8 Global Montello has relationships?

9 A. Retail is one type. We either lease or own the location.
10 We own few inventory. We own C-store inventory, and we have
11 our employees that operate the station.

12 Q. So Ms. Gorboul, you mentioned C-store what's a C-store?

13 A. C-store is convenience store inventory. It's your Snickers
14 bars, anything you can buy at a gas station.

15 Q. So that was retail locations. Are there other types of gas
16 stations with which Global Montello has relationships with?

17 A. Second type is dealer. We do not own the site or lease it.
18 We do not own any of the inventory. The only connection, only
19 relationship we have with the dealer is we sell them fuel.

20 Q. And what's the other type of relationship that Global
21 Montello has?

22 A. Last and third type is agent. We lease or own the site.
23 We own fuel inventory. The agent, which is a third party, they
24 own C-store inventory and they operate the site on our behalf.

25 Q. So does the agent receive any income from the sale of gas

ICAHIss4

Gorboul - Direct

1 in the agency relationship?

2 A. They receive commission on monthly basis based on the
3 number of gallons that they sell.

4 Q. In 2012 did Global Montello have a relationship with a
5 company called First Star Auto Repair?

6 A. Yes, they did.

7 Q. Was that a gas station?

8 A. Yes.

9 Q. What type -- among these three types, what type of
10 relationship did Global Montello have with First Star Auto
11 Repair?

12 A. They were the agent at the location.

13 Q. Was this agency relationship memorialized in an agreement?

14 A. Yes.

15 Q. All right. When did First Star Auto's relationship with
16 Global Montello begin?

17 A. May 2012.

18 Q. Who was the contact person for First Star Auto Repair in
19 2012?

20 A. Ibrahim Issa.

21 Q. Do you know where First Star Auto was located?

22 A. 1982 Bronxdale Avenue, Bronx, New York.

23 Q. For First Star Auto, did First Star Auto Repair own the gas
24 sold at that gas station?

25 A. No.

ICAHIss4

Gorboul - Direct

1 Q. Who owned that gas?

2 A. Global Montello Group.

3 Q. And when a customer came to First Star to get gas, what are
4 the methods of payment that they might use to get gasoline?

5 A. They could pay via credit card or cash.

6 Q. When a customer pays with a credit card at First Star Auto
7 Repair, how would Global Montello be paid?

8 A. We receive all the credit cards, so in the end of the day,
9 the money hits our bank account.

10 Q. Would First Star Auto Repair receive any money directly
11 from credit card sales into its bank account?

12 A. No.

13 Q. What about when a customer paid cash? Was Global Montello
14 paid directly for every cash sale?

15 A. No.

16 Q. How did Global Montello get paid for cash sales?

17 A. We know total fuel sales for the day. We also know the
18 credit cards that we receive for the day. If there's a
19 difference, which is essentially your cash sales, we would
20 draft the agent, we would draft their bank account for the
21 difference.

22 Q. You said "draft." What do you mean by "draft"?

23 A. Take money directly out of their bank account.

24 Q. How is Global Montello able to take money directly out of
25 the bank account of First Star Auto Repair?

ICAHIss4

Gorboul - Direct

1 A. It's part of the agreement. There's some sort of
2 authorization signed at the time when the contract is signed.

3 Q. So fair to say that Global Montello had permission to do
4 that, is that right?

5 A. Yes, yes.

6 Q. Now, as long as First Star Auto Repair had money in its
7 account, how would Global Montello know if it was withdrawing
8 money from cash sales or other sources?

9 A. I'm sorry. Could you repeat the question.

10 Q. Of course. As long as First Star Auto Repair had money in
11 its bank account, would Global Montello know if it was
12 withdrawing money from cash sales or from other sources?

13 A. No, they wouldn't know.

14 Q. So can Global see the balances or the detail in First Star
15 Auto Repair's bank account?

16 A. No.

17 Q. You mentioned that agents like First Star Auto Repair, they
18 get a commission. Am I right about that?

19 A. Yes.

20 Q. How did First Star Auto Repair receive its commission?

21 A. It was deposited directly into his bank account.

22 MR. WIRSHBA: Your Honor, at this time the government
23 would request that your Honor read a stip, specifically 4009,
24 paragraph 9.

25 THE COURT: Which one is that?

ICAHIss4

Gorboul - Direct

1 MR. WIRSHBA: 4009, the one from this morning,
2 paragraph 9. I have a copy of that if it would be easier.

3 THE COURT: If called as a witness at trial, a
4 custodian of records from Global Montello Group Corp. would
5 testify that Government Exhibits 651 through 654, including all
6 parts and subdivisions thereof, are true and correct copies of
7 records of Global Montello; that the original records were all
8 made at or near the time, by or from information transmitted by
9 a person with knowledge of the matters set forth in the
10 records; that they were kept in the ordinary course of Global
11 Montello's regularly conducted business activity; and that it
12 was the regular practice of that business activity to make the
13 records.

14 MR. WIRSHBA: Thank you, your Honor.

15 At this time the government would offer Government
16 Exhibits 651 through 654.

17 MR. BRAFMAN: No objection.

18 MR. KIRSHNER: No objection.

19 THE COURT: Admitted.

20 (Government's Exhibits 651 through 654 received in
21 evidence)

22 MR. WIRSHBA: Thank you, your Honor.

23 If we could have Government Exhibit 654 put up on the
24 screen, Ms. Geier.

25 Q. Ms. Gorboul, can you see that on your screen?

ICAHIss4

Gorboul - Direct

1 A. Yes.

2 Q. What is this?

3 A. This is a summary of agent's activity, account activity,
4 from 2012 to 2014.

5 Q. And behind this summary, is there an actual report?

6 A. Yes. The data behind the summary is generated out of our
7 accounting software, PDI.

8 Q. What kind of information does your accounting software,
9 PDI, have in it?

10 A. It has amount of total drafts from the agent's account, it
11 has commission expense, amount of commission earned, rent,
12 utility expenses.

13 Q. Can you tell from this first page what agent this report
14 relates to?

15 A. Yes. First Star Auto Inc.

16 Q. And who's the contact person for First Star Auto?

17 A. Ibrahim Issa.

18 MR. WIRSHBA: Ms. Geier, if we could put up Government
19 Exhibit 651.

20 Q. Taking a look at this document, what is this, Ms. Gorboul?

21 A. This is a fuel inventory report. It reports on a daily
22 basis the amount of inventory/fuel there was in the tanks at
23 the location, amount of sales that were made in gallons and in
24 dollars.

25 Q. Where do you get this information?

ICAHIss4

Gorboul - Direct

1 A. It's generated out of our accounting system, PDI.

2 MR. WIRSHBA: Let's take a look at page 23 of this
3 report, if we could, Ms. Geier.

4 Q. Is this the last page of this report, Ms. Gorboul?

5 A. Yes.

6 Q. Taking a look at page 23, can you tell how much gas First
7 Star Auto Repair sold from May 2012 to the end of the year?

8 A. 470,651 gallons, which is equivalent of \$1,883,120.

9 MR. WIRSHBA: Let's take a look at Government
10 Exhibit 652, if we could, Ms. Geier.

11 Q. What is this?

12 A. This is a report showing on daily basis number of diesel
13 gallons sold at the location as well as dollars for the diesel
14 product.

15 MR. WIRSHBA: If we could jump to the fourth page of
16 this report.

17 Q. Where did you get the information contained on this report?

18 A. Information is pulled out of our accounting system, and
19 it's generated through our reporting tool called Focal Point.

20 Q. And why do these figures, why do they start in May of 2012?

21 A. That's when the relationship with First Star Auto started.

22 Q. OK. Did you add anything to this chart?

23 A. I added a third column which takes second column, divides
24 it by the first column.

25 Q. And what is the result when you take the first column and

ICAHIss4

Gorboul - Direct

1 divide it by the second column -- or the second column and
2 divide it by the first column, I apologize?

3 A. It shows dollar price per gallon for the diesel fuel for a
4 specific day.

5 Q. What does it mean where it says, Div, divide by, zero
6 exclamation mark?

7 A. It means there was no diesel sales for that day.

8 MR. WIRSHBA: Ms. Geier, if we could take a look at
9 Government Exhibit 653, and specifically on the second page of
10 that PDF.

11 Q. What's this?

12 A. This is a report generated by software DTN. It outlines
13 credit cards processed at this location for a specific day.

14 Q. Where does Global get the information that's contained in
15 this report?

16 A. It is pulled from credit card processor.

17 Q. Let's go back to the first page of this document. Who made
18 this particular summary chart here?

19 A. I put together a summary.

20 Q. Where'd you get this information?

21 A. Underlying data which we just looked at which is generated
22 from the credit card processor.

23 Q. You said that total gas sales for 2012 from May until the
24 end of the year was \$1,883,120 for First Star Auto Repair, is
25 that right?

ICAHIss4

Gorboul - Direct

1 A. Correct.

2 Q. And what does it say here is the total amount of credit
3 card sales?

4 A. \$714,118.31.

5 Q. The difference between those numbers, that's the non-credit
6 card sales for 2012 for First Star Auto Repair, right?

7 A. Correct.

8 (Continued on next page)

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ICA5iss5

Gorboul - cross

1 BY MR. WIRSHBA:

2 Q. And the amount that Global Montello automatically withdrew
3 from First Star auto repair from their account is equivalent to
4 these noncredit card gas sales. Is that right?

5 A. Yes.

6 MR. WIRSHBA: Nothing further, your Honor.

7 THE COURT: Yes.

8 CROSS EXAMINATION

9 BY MR. KIRSHNER:

10 Q. Good afternoon, Ms. Gorboul.

11 A. Hello.

12 Q. Global Montello had a business relationship with First Star
13 Auto since 2012; is that correct?

14 A. Correct.

15 THE COURT: Sir, could you just move the microphone a
16 little closer to you, or you a little closer to the microphone?
17 One of the two.

18 MR. KIRSHNER: Your Honor, may I approach?

19 THE COURT: Yes.

20 Q. Showing you what's been marked for identification as
21 Defendant's Exhibit 600, do you recognize that?

22 A. Yes.

23 Q. Is that a --

24 THE COURT: What is it?

25 Q. What is it?

ICA5iss5

Gorboul - cross

1 A. It's an agreement between Global Montello Group and the
2 agent.

3 MR. KIRSHNER: I ask that Defendant's Exhibit 600 be
4 moved into evidence.

5 THE COURT: Offered. It is offered.

6 Objection?

7 MR. WIRSHBA: Government has no objection.

8 THE COURT: Thank you. It is admitted.

9 (Defendant's Exhibit 600 received in evidence)

10 BY MR. KIRSHNER:

11 Q. Is that an agreement that sets out the term of the business
12 relationship between First Star Auto and Global Montello?

13 A. Yes.

14 Q. And as you described on direct examination, that business
15 relationship is an agency relationship, correct?

16 A. Yes.

17 Q. And in an agency relationship it is fair to say that the
18 contract here, Defendant's Exhibit 600, spells out a business
19 relationship whereby First Star sells Global's gas for Global,
20 right?

21 A. Yes.

22 Q. And in exchange for the service of selling Global's gas, at
23 the end of the month Global pays First Star a commission?

24 A. Yes.

25 Q. And then you testified on direct about credit card payments

ICA5iss5

Gorboul - cross

1 that are processed at First Star's location, that goes directly
2 to Global, right?

3 A. Yes.

4 Q. That money never hits any account of First Star's?

5 A. Correct.

6 Q. In fact, you have your own machines at the location which,
7 once a credit card gets swiped, it is credited to Global, not
8 First Star?

9 A. Yes.

10 Q. Now, customers that buy Global's gas from a First Star
11 location using cash, their money is collected by First Star but
12 the funds, at all time, belong to Global, correct?

13 A. Yes.

14 Q. We see that on page 6 of Defendant's Exhibit 600, I am
15 going to show you highlighted, it says deposit by agent of any
16 daily deposits to a bank account -- and agent there is First
17 Star, correct?

18 A. Yes.

19 Q. -- in its own name shall not be interpreted as, nor
20 constitute, any agreement or acknowledgment that daily deposits
21 shall ever be deemed the property of the agent it being
22 expressly understood and agreed that said funds remain, at all
23 times, the sole and exclusive property of Global.

24 That's consistent with the terms of the agency
25 relationship, correct?

ICA5iss5

Gorboul - cross

1 A. Yes.

2 Q. Now, once the cash that First Star collects on behalf of
3 Global gets deposited into this account, at some point Global
4 has a right to withdraw the amount of the gas sales minus the
5 credit card, correct?

6 A. Yes.

7 Q. And in between the time that First Star collects the cash
8 and Global withdraws it from the account, it makes no
9 difference to Global if the cash is actually deposited in there
10 or other funds are used to meet the amount that's being
11 withdrawn by Global, correct?

12 MR. WIRSHBA: Objection. Form.

13 THE COURT: I don't see the problem. Answer the
14 question.

15 THE WITNESS: It makes no difference to Global.

16 BY MR. KIRSHNER:

17 Q. And, at the end of the month when Global pays First Star,
18 the commission based on the amount of gas sales, they actually
19 deduct something from that commission, correct?

20 A. There could be some charges that the agent is responsible
21 for potentially, yes.

22 Q. And in this case is Global responsible for collecting the
23 rent for another entity that First Star owes that entity?

24 A. Could you rephrase the question, please?

25 Q. Does Global collect rent from First Star for the pumps, the

ICA5iss5

Gorboul - cross

1 machines, and some of the facilities at First Star?

2 A. Yes.

3 Q. And so, often times would it be that the commission is
4 actually less than the money owed for rent?

5 A. Yes.

6 Q. So, First Star would receive no money they would owe less
7 than the rent they're owed -- that they're required to pay to
8 the third-party?

9 A. Potentially.

10 Q. I am being a little confusing. I'm sorry.

11 A. That's okay.

12 Q. I am going to show you what's in evidence as Government
13 Exhibit 654. This is the first page which is a summary page,
14 correct?

15 A. Yes.

16 Q. We see here that the commission expense, that number right
17 there, that's the number that's paid to First Star for the
18 commission over a three-year period, correct?

19 A. Yes.

20 Q. And then when we look down here, rent premises, across
21 there we see a number, that's the number that, and it says it
22 right here that Global collects from First Star for rent?

23 A. Correct.

24 Q. We see that the number here, \$195,204.48, is greater than
25 the total number of commission which is \$136,841.34, correct?

ICA5iss5

Gorboul - redirect

1 A. Yes.

2 Q. So, we can't break it down month by month; overall, Global
3 didn't actually pay the actual commission, they just collected
4 less for rent. It's a net negative for First Star?

5 A. Net, yes.

6 MR. KIRSHNER: No further questions.

7 THE COURT: Thank you.

8 Any redirect?

9 MR. WIRSHBA: Very briefly, your Honor.

10 REDIRECT EXAMINATION

11 BY MR. WIRSHBA:

12 Q. Ms. Gorboul, taking a look at that defendant's exhibit that
13 is in front of you, the contract; do you see that?

14 A. Yes.

15 Q. Can you take a look at the last page of that contract and
16 just let me know, I guess it is not the last page of that
17 entire thing, it is the last page of the contract which is on
18 page 15. Do you see that?

19 THE COURT: Page 15 of 23.

20 A. Yes.

21 Q. Who signed this contract on behalf of the Agent?

22 A. Ibrahim Issa.

23 Q. And take a look at the first page of Defendant's Exhibit
24 600. What does it say is the effective date of this agreement?
25 Can you tell from the top?

ICA5iss5

Gorboul - recross

1 A. November 2014.

2 Q. So, would this agreement have governed the parties in 2012?

3 A. No.

4 MR. WIRSHBA: Nothing further, your Honor.

5 MR. KIRSHNER: Briefly, your Honor, two questions?

6 THE COURT: Yes.

7 RECROSS EXAMINATION

8 BY MR. KIRSHNER:

9 Q. Is there anything in this agreement that was different
10 about the business relationship that Global had with First Star
11 in 2012?

12 A. I'm not aware.

13 MR. KIRSHNER: Thank you.

14 THE COURT: Okay. Thank you. I think you are done.
15 Thank you very much.

16 (Witness excused)

17 THE COURT: Call your next witness.

18 MS. HANFT: Your Honor, there is one item with the
19 next witness that should be taken up outside the presence of
20 the jury.

21 THE COURT: Good. They can sit here because we are
22 not taking a break. So, come on over here.

23 (Continued next page)

ICA5iss5

Gorboul - recross

1 (At side bar)

2 MS. HANFT: We apologize, your Honor. It is an
3 immunity witness.

4 THE COURT: That's unfortunate, isn't it? I could
5 have been alerted to this earlier in the day possibly.

6 MS. HANFT: I apologize, your Honor.

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ICA5iss5

Gorboul - recross

1 (In open court)

2 THE COURT: I'm sorry. I actually do have to send you
3 out of the courtroom. Do not discuss the case, keep an open
4 mind. I tried.

5 Don't go far. Because I have to leave at 4:00, I want
6 to really get you back in here as fast as possible.

7 (Continued on next page)

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ICA5iss5

Butt - direct

1 (Jury not present)

2 THE COURT: Call your next witness, please.

3 MS. HANFT: Government calls Sohail Butt.

4 SOHAIL I. BUTT,

5 called as a witness by the Government,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. HANFT:

9 Q. Good afternoon, Mr. Butt.

10 A. Good afternoon.

11 Q. Where do you live?

12 A. I invoke my Fifth Amendment rights.

13 Q. Where do you work?

14 A. I invoke my Fifth Amendment rights and I'm not answering
15 any questions.

16 Q. Do you know an individual named Ibrahim Issa?

17 A. I invoke my Fifth Amendment rights.

18 Q. Do you work for him?

19 A. I invoke my Fifth Amendment rights. I'm not answering any
20 questions.

21 Q. Have you received cash payment off-the-books?

22 A. I invoke my Fifth Amendment rights. I'm not answering any
23 questions.

24 Q. Have you paid the full amount owed in taxes?

25 A. I invoke my Fifth Amendment rights.

ICA5iss5

Butt - direct

1 Q. Did you participate in giving large cash payments to an
2 individual designated by Ibrahim Issa?

3 A. I invoke my Fifth Amendment rights and I am not answering
4 any questions.

5 MS. HANFT: Judge, I ask that the immunity order that
6 your Honor previously conditionally entered become effective
7 and be marked as a Court exhibit.

8 THE COURT: I don't have a copy of it up here.

9 Sir, is it your intention to answer any and all
10 questions that are put to you with respect to this matter in
11 the same manner that you have answered the questions that have
12 been put to you already?

13 THE WITNESS: Yes.

14 THE COURT: Okay.

15 On November 16, the Court conditionally ordered,
16 entered an order of immunity. It was conditioned on having the
17 witness assert his Fifth Amendment privilege in open court. He
18 has done so. Accordingly, the order of November 16 has become
19 effective.

20 Get the jury back in here.

21 MS. HANFT: Thank you, your Honor.

22 (Continued on next page)
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ICA5iss5

Butt - direct

1 (Jury present)

2 THE COURT: Call your next witness please.

3 MS. HANFT: The government calls Sohail Butt.

4 SOHAIL I. BUTT,

5 called as a witness by the Government,

6 having been duly sworn, testified as follows:

7 THE COURT: You may inquire.

8 DIRECT EXAMINATION

9 BY MS. HANFT:

10 Q. Good afternoon, sir. How old are you?

11 A. I'm 54.

12 Q. Where do you live?

13 A. I live in the Bronx.

14 Q. Do you have a job?

15 A. Yes.

16 Q. What do you do?

17 A. I work in a Mobil gas station as a manager right now.

18 Q. Who owns that gas station?

19 A. Mr. Issa.

20 Q. Do you see Mr. Issa in the courtroom today?

21 A. Yes.

22 MR. BRAFMAN: Stipulate identification.

23 THE COURT: Where is Mr. Issa, sir?

24 THE WITNESS: In the middle, in that row.

25 THE COURT: Which row?

ICA5iss5

Butt - direct

1 THE WITNESS: Behind this gentleman.

2 THE COURT: Behind this gentleman.

3 THE WITNESS: He doesn't have no ties.

4 THE COURT: Indicating Mr. Issa.

5 THE WITNESS: Right there.

6 BY MS. HANFT:

7 Q. You mentioned that you worked at a gas station owned by
8 Mr. Issa. What did you say the name of that station was, sir?

9 A. What?

10 Q. What is the name of that gas station?

11 A. It is a Mobil gas station, 2090 Bronxdale.

12 Q. Where is it located?

13 A. Bronx, New York.

14 Q. Have you worked at any other gas stations?

15 A. Right now?

16 Q. Have you, in the past, worked at any other gas stations?

17 A. Yes; in another location, 1106 Metcalf, Bronx, New York.
18 That's in the Bronx as well.

19 Q. Who owned that gas station?

20 A. Mr. Issa.

21 Q. How long have you worked for Mr. Issa?

22 A. I works 2005 until today.

23 Q. During what years were you working at the gas station at
24 2090 Bronxdale?

25 A. From 2005 until 2016 and I think a little bit more.

ICA5iss5

Butt - direct

1 Q. And the gas station on Metcalf, how long did you work there
2 for?

3 A. Metcalf, I think I went to -- 2015 I just go there to take
4 care and help the other manager, she was there. So, finally I
5 took over, 2017 until today.

6 Q. At the gas station located at 2090 Bronxdale, did you have
7 an office?

8 A. Yes.

9 Q. Where in the gas station was that office?

10 A. Just behind, like for example, the counter and behind there
11 on a wall, next to the wall.

12 Q. Indicating that the office was a few feet behind the
13 counter?

14 A. Yes.

15 Q. About how many employees did you manage as manager of that
16 gas station?

17 A. We have roughly five to six, and sometime on a summer we
18 have seventh guy who comes in who do from 2:00 to 8:00s in
19 summer only. So, normally we have six peoples.

20 Q. During the course of your work as a manager at the gas
21 stations owned by Mr. Issa, what were your duties?

22 A. Basically, my duty was to maintain the store, order gas,
23 anything the store need to order, check the paperworks for the
24 cashier reports, separate the money, and we have three accounts
25 only to put it in on each account. And, basically, if I need

ICA5iss5

Butt - direct

1 to hire somebody I hire it and that's -- anything to do with
2 the store I was managing.

3 MS. HANFT: Your Honor, I ask that the Court read
4 paragraph 15 of the stipulation marked Government Exhibit 4009.

5 THE DEPUTY CLERK: Do you have 9 still up there?

6 THE COURT: I should, but I have a lot of paper up
7 here.

8 If called at a witness at trial, a custodian of
9 records of Optimum Grocery Store, Inc., would testify that
10 Government's Exhibits 772, 774, 776, including all parts and
11 2001 divisions thereof are true and correct copies of records
12 of Optimum; that the original records were all made at or near
13 the time by or from information transmitted by a person with
14 knowledge of the matters set forth in the records; that they
15 were kept in the ordinary course of Optimum's regularly
16 conducted business activity, and it was the regular practice of
17 that business activity to make the records.

18 MS. HANFT: Thank you, your Honor. The government
19 offers Government's Exhibits 772, 774, and 776.

20 MR. BRAFMAN: No objection.

21 THE COURT: They're admitted.

22 (Government's Exhibits 772, 774, and 776 received in
23 evidence)

24 BY MS. HANFT:

25 Q. Can we publish Government Exhibit 772?

ICA5iss5

Butt - direct

1 Mr. Butt, do you recognize this?

2 A. Yes.

3 Q. What is this?

4 A. That's a shift paper. Normally the cashier, when he finish
5 his shift, at the end of the day they have to print the report
6 from the computer and then write on it if they have any payroll
7 towards any vendors or anybody. Whatever they paid out they
8 write it on that sheet, on that paper.

9 Q. What, if anything, is the sheet supposed to keep track of?

10 A. How we do keep the track of these papers?

11 Q. What is the intention of the sheet? What is the sheet
12 supposed to keep track of?

13 A. This is basically he approve because we paid cash to the
14 vendors. So, it keep us tracks on these paper and then, plus,
15 we do as well on a computer DSR and we put it up there as well.
16 So, for example, for the office, when they have these invoices,
17 they could compare with this paper to the DSR we have do on a
18 computer to make sure, I mean, that money belongs to or goes to
19 that person or vendor.

20 Q. Looking about a quarter of the way down the page on the
21 left-hand side where it says paid out, what is that? What is
22 paid out?

23 A. Yes. That's what I'm talking about. For example, this is
24 Global -- okay, that's Mr. Tony \$750 and Entenmann, that's a
25 cake company, they have \$88.85 paid out.

ICA5iss5

Butt - direct

1 Q. So, my question is just what does paid out mean?

2 A. Paid out, like for example if somebody brings some stuff or
3 we buy something or we order and then they bring the delivery
4 after we check out the deliveries, whatever they bring it in,
5 so we have to pay them.

6 Q. There is a third entry that says "Mr. Tony." What does
7 that refer to?

8 A. Mr. Tony, that 750, maybe he took some money because Tony
9 comes in and we give him the money.

10 Q. And what do you give him when he comes in?

11 A. Excuse me?

12 Q. What do you give Mr. Issa when he comes in?

13 A. Yes, if he comes in and asks for money we give him; yes.

14 Q. How often are these sheets completed?

15 A. How often?

16 Q. Yes. How often are these sheets completed?

17 A. These sheets, it depends on how many cashiers working. So
18 if there are four or five, so they have to complete their shift
19 and after 24 hours we have to print the report for 24 hours and
20 those all cashier report, we put it together and then, you
21 know, we keep it for the office.

22 Q. Can we turn to the sixth page of this document, please?

23 So, Mr. Butt, if you could look again halfway down the
24 page, these entries that say Mr. Tony, who does that refer to,
25 first of all?

ICA5iss5

Butt - direct

1 A. That's for Mr. Tony, \$1,500.

2 Q. Who is Mr. Tony?

3 A. Mr. Issa.

4 Q. And what does it mean if you wrote \$1,500?

5 A. Maybe he came in and he took the \$1,500 money.

6 Q. Now, when Mr. Issa came in to the station and asked for
7 cash, did it come out of the cash register?

8 A. If it is like, for example, regular money like \$500, \$600,
9 if we have it in the cash that come out from the cash. And if
10 someone had put it up there so that means that come out from
11 the cash. Nothing come from the office, back office or from
12 the safe, it come out from the cash registers.

13 Q. Were there times when it did not come out of the cash
14 registers?

15 A. The time, if not come out from the cash register?

16 Q. Yes. You just mentioned a safe.

17 A. That we don't pay because only thing, for example, I mean
18 if there is no money outside and nobody comes in, we don't pay
19 it.

20 Q. Mr. Butt, do you recall giving cash regularly to a
21 particular person over the course of several years?

22 A. Yes.

23 Q. What was his name?

24 A. I mean, sometimes Tony father came, his sisters, and a lot
25 of his friends, and Mr. Izzy, he comes. Plus, we have some,

ICA5iss5

Butt - direct

1 the people, mechanics that works in the other gas station which
2 is very close by to us that used to be a Sunoco so like 10, 12
3 people 15 people's mechanics and they comes in and they take
4 coffees, and they take butter rolls, Red Bulls. So, that's
5 when we talked to Mr. Issa, I said look, they comes in in the
6 morning time, they come in in the afternoon so --

7 Q. Mr. Butt, I think you are getting a little ahead of my
8 question.

9 A. Oh, okay.

10 Q. You mentioned someone named Izzy?

11 A. Yes.

12 Q. Who is that individual?

13 A. Izzy, that person used to -- he comes in and Tony
14 introduced me to and he told me to give him \$200.

15 Q. What did Izzy look like?

16 A. Izzy, he was a little bit dark-skinned, little bit chubby,
17 have a, you know, a big belly.

18 Q. Do you know where Izzy worked?

19 A. No.

20 Q. Why would you give cash to Izzy?

21 A. Because he comes in with the Tony and Tony introduced me,
22 he is my manager, and I thought he is working with him from --
23 for his, any work shops, maybe a supervisor so that's why he
24 first time he asked me \$200 to give to him.

25 Q. So you said that Mr. Issa asked to you give him \$200?

ICA5iss5

Butt - direct

1 A. Dollars, yes.

2 Q. What did he say, if anything, about Mr. Izzy coming?

3 A. He told me he is away all the time so if he comes in a
4 week, just, you know, give him \$200.

5 Q. Around when was the first time you met Izzy?

6 A. I think that was after when I became a manager, I think
7 2012, 2013, and middle of I think '13, maybe April, May. That
8 times.

9 Q. After that first time that you just told us about, did Izzy
10 come to the gas station regularly to pick up cash?

11 A. Yes.

12 Q. Approximately --

13 A. Yes.

14 Q. Approximately when did he start coming?

15 A. Normally he come every weeks.

16 Q. In what year did he start coming?

17 A. I think May. May, June, I'm not sure, but I think May,
18 June 2013.

19 Q. When did he stop coming to pick up cash?

20 A. He stopped coming the last time I see him on July 31st or
21 30th on 2016.

22 Q. Did Izzy ever come to the gas station to get other things
23 aside from cash?

24 A. When he started, afterwards for later on he will ask for
25 the cigarettes and sometimes he got gas on his car.

ICA5iss5

Butt - direct

1 Q. And what did his car look like?

2 A. Used to have, I think a Mercedes, then he have a black --
3 I'm sorry, red jeep. He used to come into.

4 Q. What color did you say?

5 A. Red. Red jeep.

6 Q. How would you know when Izzy was coming to pick up his
7 cash?

8 A. I mean, sometimes he just comes in, he knows I'm there, and
9 sometimes even if I'm not there he comes in and the cashier,
10 they call me and tell me, listen, Tony friend came with the red
11 jeep guy. So, that's what we gave him the names for. I said
12 okay, give him because I'm not there. So, sometimes he called
13 and I think he have number and he called me and said, listen,
14 I'm going to come so if I am there. I say, yes, I'm going to
15 be there. And that's how he will come.

16 Q. How much cash did he pick up when he came?

17 A. When? I mean most of --

18 Q. Did the amount of cash he picked up change over time?

19 A. Yes, it did change, like from two to five. And then it
20 goes up to 15 and that is the maximum I remember.

21 Q. When you say goes up to 15, what do you mean? How much
22 money?

23 A. Yeah, because when he started getting five, when he come up
24 to, one day he came in and he asked me, you know, he needed
25 \$500 because I have been told to give him \$200. So, I called

ICA5iss5

Butt - direct

1 Tony, I say, Tony, the guy you sent me, he said give me \$500.
2 So he said, Sohail, I'm sorry, I forgot to tell you, that poor
3 guy he -- his wife I think, she have back surgery and I'm
4 trying to help him out so, yes, give him \$500.

5 Q. And what was the most amount of money he ever picked up?

6 A. \$1,500.

7 Q. \$1,500. Did he pick up \$1,500 on more than one occasion?

8 A. On more than one occasion means every week.

9 Q. More than one time. Did he do it more than one time?

10 A. Yes.

11 Q. Where did the cash come from that you gave to Izzy?

12 A. The \$1,500, because we can't afford it in the store because
13 the business wasn't that good, so sometime I go in the office
14 and they have the money and I pick up and when he come so I
15 give it to him.

16 Q. Approximately how often did he come?

17 A. Before he used to he comes every week, then he start coming
18 in the month basis.

19 Q. When you say in the month you mean once every month?

20 A. Once every month, yes.

21 Q. And what did the cash look like when you gave it to Izzy?

22 A. Okay. When I pick up the cash, if it is on a, not in an
23 envelope, like a cash, regular bills, and then I put it, bring
24 it in and put it in an envelope. Sometimes they have in the
25 office already in an envelope. So, I pick up the envelope, I

ICA5iss5

Butt - direct

1 bring it in, and I put it in my drawers or in a safe for him.

2 Q. And what color were the envelopes?

3 A. Just normal regular envelopes. White.

4 Q. And you mentioned putting it in a drawer or a safe. Is
5 that where you would then take the envelopes out of?

6 A. That is what?

7 Q. Would you then take the envelopes out of that drawer or the
8 safe that you just mentioned?

9 A. When he comes?

10 Q. Yes.

11 A. Yes.

12 Q. Mr. Butt, are you testifying here today because of what is
13 called a compulsion order issued by this Court?

14 A. Yes.

15 Q. Does that mean that you have been ordered to testify?

16 A. Yes.

17 Q. Do you have an attorney to help you understand that order?

18 A. Yes.

19 Q. What is your understanding of what the order requires to
20 you do?

21 A. The order force me to testify and it is also protect me by
22 forbidding government from using my testimony against me in any
23 way. And I have to tell the truth while I'm on the stand and
24 any evidence government find from any other sources or any
25 other way they could -- and which they couldn't obtain from my

ICA5iss5

Butt - direct

1 testimony, they could use it against me.

2 Q. Does this order protect you from prosecution for
3 anything --

4 A. If I lie. If I lie, yes. I mean, I can be prosecuted for
5 lying on the trial, yes.

6 Q. Can you be prosecuted for other things that don't relate to
7 your testimony today?

8 A. Other things like?

9 Q. Does the order protect you from prosecution for anything or
10 just from the use of your words today?

11 A. Use of my word I think.

12 Q. Do you have any agreement with the government beyond that
13 order?

14 A. No.

15 Q. Does this order protect you from prosecution if you lie
16 today?

17 A. Yes.

18 Q. Does it protect from you prosecution? Can you be
19 prosecuted if you lie today?

20 A. I can be prosecuted if I lie on the stand during my
21 testimony. I can be prosecuted.

22 Q. Mr. Butt, when was the last time you saw Izzy?

23 A. I saw before August -- sorry, July 30 or 31st, 2016.

24 Q. What happened? How do you remember that it was July, the
25 end of July 2016?

ICA5iss5

Butt - direct

1 A. Because August 30th or 31st I think Mr. Issa got arrested.
2 That's why I remember.

3 Q. Did you speak to Izzy at all after Mr. Issa was arrested?

4 A. He called me that day, the 31st, and he asked for Mr. Issa.
5 So, I told him we have a problems and the cops comes in, they
6 took all computers so that's why maybe you are not getting in
7 touch with him. So, that's the last time I spoke with him.

8 Q. After that time did Izzy come to pick up cash anymore?

9 A. No. No. I never seen him.

10 MS. HANFT: One moment.

11 (Counsel conferring)

12 BY MS. HANFT:

13 Q. Mr. Butt, you explained that you would store the envelopes
14 in two places; isn't that right?

15 A. Basically if I -- if he comes in every week then I don't
16 have to store any envelope for him, but once when he decided to
17 come in a month so then I have it in my drawers inside the
18 folder, I put it up there inside the drawers.

19 Q. And you also mentioned having a safe in your office; is
20 that right?

21 A. Safe, yes, we do.

22 Q. Did you ever give, take money out of that safe?

23 A. For him?

24 Q. For anyone.

25 A. I mean, one time I took \$5,000 for his father, Tony's

ICA5iss5

Butt -cross

1 father, he comes in and I give it to him because that was
2 Saturday and we have that cash. And I call him and he say,
3 okay, give it to him. So that's the most cash I give from the
4 safe because normally during the days we don't have no cash in
5 the safe. Why? Because every day we deposit in accounts, that
6 goes to in accounts. So, only way I could have cash in the
7 safe is if it is Friday, for example. So, Friday cash, because
8 Saturday we don't do banking so Saturday cash plus -- sorry
9 Friday cash, Saturday cash, and then Sunday and Monday we go to
10 the bank for three days' cash.

11 Q. Did you ever give Mr. Issa money from that safe?

12 A. No. Mr. Issa, when we give him the money, we always make
13 his pay out -- his payout comes from the outside. So, outside
14 for example, weekly basis for example, if you make \$600 payout
15 they make that outside, they put it inside the safe. I leave
16 it in the safe or leave it on my drawers. But that come from
17 outside, not from inside. Mr. Issa never took money from
18 inside.

19 MS. HANFT: No further questions for this witness.

20 THE COURT: Cross.

21 CROSS EXAMINATION

22 BY MR. KIRSHNER:

23 Q. Good afternoon, Mr. Butt.

24 A. Good afternoon.

25 Q. You have worked for Mr. Issa since 2015, you said?

ICA5iss5

Butt -cross

1 A. Yes.

2 Q. And you are still work for him today?

3 A. Until today, yes.

4 Q. And for many of the years you worked for him your salary
5 was paid in cash, correct?

6 A. Yes. We was getting before cash.

7 Q. And you were aware that a lot of Mr. Issa's employees were
8 paid in cash, correct?

9 A. Yeah. From 2015 to 2013 everybody was getting paid only
10 cash.

11 Q. And in 2013 that changed?

12 A. '13, end of '13, maybe beginning of '14 we go half and
13 half; half check and half cash.

14 Q. And so, it's fair to say that a lot of cash coming in and
15 out of Mr. Issa's various locations, correct?

16 A. I mean very short, for example. When we have a load coming
17 out, a vendor is there, for example, we have to pay for the
18 lotto or the loads so we always are short of money so we go for
19 the other location and get cash from there. So, if it is in a
20 range of \$10,000, \$11,000, because normally we have over store
21 cash \$5,000 to \$6,000, but if it is but above, like \$18,000,
22 \$19,000 so even if we go to the different locations we can't
23 get it. So then, you know, I think Claudia, she called Tony
24 and have him arrange some cash.

25 Q. We will go through this step by step.

ICA5iss5

Butt -cross

1 All of the cash that came into and out of the business
2 was recorded on or -- I'm sorry. All of the cash that came out
3 of the business was recorded on the daily sheets that the
4 government showed you, correct?

5 A. Yes.

6 Q. And then they were put into something called a DSR, a daily
7 sales report?

8 A. Yes.

9 Q. And the numbers were taken from those cash sheets and put
10 into the DSR, correct?

11 A. DSR, yes.

12 Q. You did that, to the best of your ability, accurately,
13 correct?

14 A. Yes.

15 Q. And no one ever told you to leave a number out or add a
16 number, you did it accurately the whole time?

17 A. No. I -- actually, I can't do it because every -- whatever
18 the cash we have we called in to the office and let them know
19 how much cash we have for the fuel, for the store, for the
20 lotto for that day, and then plus on a report. So, we have to
21 take those reports and even send them in 10 days to the office
22 and or end of the month. So, they will compare those reports
23 to the DSR we do on the system to tally it to make sure
24 everything is correct.

25 Q. And, in fact, the cash payroll was recorded on those

ICA5iss5

Butt -cross

1 sheets, correct?

2 A. Yes, yes, yes.

3 Q. And that was also put on the DSR?

4 A. DSR, yes.

5 Q. And if a vendor came in and needed to be paid in cash, that
6 was reported on the sheet?

7 A. Correct.

8 Q. All the expenses of the business that was paid in cash were
9 recorded on those sheets, correct?

10 A. Yes.

11 Q. And they were accurately transferred onto the DSR?

12 A. DSR, yes.

13 Q. And, we saw on the cash sheets that the government showed
14 you earlier and said "Tony" or "Mr. Tony," correct?

15 A. Uh-huh.

16 Q. And you said that may have been when Tony came to pick up
17 the cash, correct?

18 A. Yes.

19 Q. It could also be that Tony just authorized the cash to go
20 out to someone, correct?

21 A. No, but sometime if Tony comes in we write down Tony's
22 name. But, if he is authorizing somebody, then we put it up
23 there "Tony friends." So most of the time it goes to "Tony
24 friends."

25 Q. But that's how you did it but other people who worked in

ICA5iss5

Butt -cross

1 the business, you're not aware of if they were --

2 MS. HANFT: Objection.

3 THE COURT: Can he finish the question?

4 MR. KIRSHNER: They were accurate in putting "Tony" or
5 "Tony's friends," they may have just put Tony, correct?

6 THE COURT: Okay. The objection is sustained.

7 BY MR. KIRSHNER:

8 Q. You reviewed the cash sheets of other employees of
9 Mr. Issa's businesses, correct?

10 A. You mean other locations?

11 Q. Or other employees in your location.

12 A. Yes.

13 Q. And sometimes it said "Tony" and sometimes it said "Tony's
14 friend," correct?

15 A. Yes.

16 Q. And, as you sit here today, you don't know if the other
17 people were as accurate as you are in saying, when they said
18 "Tony" meant "Tony" for the cash and "Tony's friend" meant Tony
19 authorized it, correct?

20 A. When Tony comes in personally and they know if Tony comes
21 in and picks up the cash, that's everybody put it in Tony. But
22 even before me, even when I started work in 2005 until 2012 or
23 2013 when I become a manager. So, anybody comes in to, if they
24 pay any cash here, who paid, not Tony, they put Tony friends.

25 Q. The government, on direct, also asked you about payments to

ICA5iss5

Butt -cross

1 Tony's father?

2 A. Uh-huh.

3 Q. And, at various points other family members were paid cash,
4 correct?

5 A. Sometime his sisters, she comes in. I think she have a
6 store somewhere and she needed help so she -- I think that
7 happened only once or twice, two times, about \$1,800 or
8 something like that.

9 Q. And you are aware that Mr. Issa also owed these people a
10 lot of money and that's why he was paying them the cash,
11 correct?

12 MS. HANFT: Objection.

13 Q. Are you aware?

14 THE COURT: The objection is sustained.

15 A. No --

16 THE COURT: The objection is sustained, sir. You
17 don't answer the question.

18 BY MR. KIRSHNER:

19 Q. The gas station in which you worked at, it was often short
20 of cash, correct?

21 A. Every day. Almost every next days.

22 Q. And often times you would borrow cash from another
23 location?

24 A. Yes.

25 Q. And there came times when the other locations didn't have

ICA5iss5

Butt -cross

1 enough money, correct?

2 A. Yes.

3 Q. And in those situations Mr. Issa would bring his own money
4 to these locations, correct?

5 A. Yeah. One time he did bring me around \$50,000 cash which I
6 took it to the office and I gave it to Claudia, my office
7 manager, and then she put it up wherever she need to be put it
8 in. So, you know, yes, he did bring me one time cash \$50,000.

9 Q. That \$50,000 that Mr. Issa brought, that was in 2012,
10 correct?

11 A. I don't remember the year but that surely when I become a
12 manager so that could be in 2000 -- after 2013, '14, during
13 that period of times.

14 Q. And you testified on direct examination about this person
15 you know as Izzy, right?

16 A. Yes.

17 Q. And you made payments to him of cash at various points?

18 A. Yes.

19 Q. And when those payments started, you testified on direct,
20 that you understood that he was being given that money because
21 Mr. Izzy, his wife was sick?

22 A. Yes.

23 Q. And at various times the payments to Mr. Izzy increased,
24 correct?

25 A. Yes.

ICA5iss5

Butt -cross

1 Q. And you would notify Mr. Issa --

2 A. When it increase --

3 Q. -- when the payments increased, correct?

4 A. Yes. Because, I mean, one time when he came in and he was
5 getting \$1,500 so we was short of cash and we have to pay for
6 the loads, too. So, I called Tony and I think he was away in
7 Texas somewhere so I told him this and that guy want \$1,500
8 now, we don't have no cash. And then he got very angry with me
9 and mad and he told me, Sohail, I'm too far away and try to get
10 the money for him. And if I don't pay this guy, he shut all my
11 shops. So, that's what he mentioned that time. And, he was
12 very angry.

13 Q. And the government asked you about when Mr. Velez would
14 call ahead before he was -- I'm sorry, Izzy, when he would call
15 ahead before he showed up, he would often say I'm coming to get
16 coffee, correct?

17 A. Coffee. He likes to drink coffee and sometimes when he
18 comes in and if we don't have fresh coffee so we have to dump
19 the other coffee and make it fresh for him. So, basically he
20 just want to make sure I'm there and so that means he is coming
21 to pick up the cash.

22 Q. Well, he also liked coffee, right?

23 A. He also liked coffee, yes.

24 Q. Mr. Issa had no idea that he would call ahead and say I'm
25 coming for coffee?

ICA5iss5

Butt - redirect

1 MS. HANFT: Objection.

2 THE COURT: I'm sorry?

3 BY MR. KIRSHNER:

4 Q. Was Mr. Issa aware that the term meant -- the term
5 "coffee" meant anything other than coffee?

6 THE COURT: The objection is sustained. He can't put
7 himself into Mr. Issa's head.

8 BY MR. KIRSHNER:

9 Q. Had you ever told Mr. Issa that "coffee" means anything
10 else besides coffee?

11 A. I never talked to him about these things because there was
12 like a --

13 Q. Thank you.

14 THE COURT: Okay. The answer is no. Next question.

15 MR. KIRSHNER: No further question -- well, one
16 moment, your Honor?

17 (Counsel conferring)

18 MR. KIRSHNER: No further questions.

19 MS. HANFT: May I briefly redirect, your Honor?

20 THE COURT: Yes.

21 REDIRECT EXAMINATION

22 BY MS. HANFT:

23 Q. Mr. Butt --

24 A. Yes, ma'am.

25 Q. -- do you remember being asked about a time when Mr. Issa

ICA5iss5

1 brought \$50,000 to the station?

2 A. Uh-huh.

3 Q. Do you know where he got that money?

4 A. I mean, I don't know really from where he got the money,
5 you know, but there is -- there was a second time he came in
6 and he asked me where is Claudia. So, you know, Claudia wasn't
7 there and then I think he called and he spoke -- to I don't
8 know if he spoke to Claudia or somebody else and I think she
9 told him we need, I think, \$36,000. So only words I mentioned
10 front me, oh, I have to go and borrow again \$36,000. That was
11 the one time. But he didn't mention me that time where he get
12 that \$50,000.

13 MS. HANFT: Thank you. No further questions.

14 MR. KIRSHNER: Nothing further.

15 THE COURT: Okay. You may step down. Thank you.

16 That's pretty convenient.

17 Please, leave, good-bye.

18 THE WITNESS: Oh, me?

19 THE COURT: Yes.

20 THE WITNESS: Thank you.

21 (Witness excused)

22 THE COURT: Usually they can't wait to get out.

23 So, since it is now 9 nine minutes to 4:00 and I have
24 to go to this event at 4:00 we will break for the day. So, Jim
25 asked me to brief you on whether there would be a similar day

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1 later in the week and the answer to the question is yes, and it
2 is Thursday, and I would actually like you all to brief me
3 because, on Thursday, we would get started around 10:00. I
4 have Chief Judge meetings, including an emergency meeting at
5 noon and 1:00, and one of our Judges from our court, my
6 long-time colleague Judge Sullivan is being sworn in as a Judge
7 of the Court of Appeals at 4:00 and I'm supposed to be there.
8 So, we would go from like 10:00 to 12:00 and 2:00 to 4:00 on
9 Thursday. So, you tell me. I don't know where we are exactly
10 with the lawyers but you tell me whether you want to come in
11 that day. We are going to work on Friday. You tell me whether
12 you want to come in that day. I would like you to come in that
13 day but I realize that I'm interrupting the day a lot and there
14 is just nothing I can do about it. So, Jim, do you want to
15 take the jurors back?

16 Don't discuss the case, keep an open mind.

17 THE DEPUTY CLERK: Tell you tomorrow?

18 THE COURT: They will tell me tonight. I'm not
19 leaving until you come back. How is that?

20 (Continued on next page)

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1 (Jury not present)

2 THE COURT: So, stick around for a minute.

3 THE DEPUTY CLERK: So, they want to sit Thursday.

4 THE COURT: Good. Then we work on Thursday. Great.

5 Okay. Gotta go. But do tell me, who is left?

6 MR. SOLOWIEJCZYK: Your Honor, the next witness is a
7 pretty lengthy one, there is a lot of long recordings coming in
8 through him so he is probably a half a day of direct at a
9 minimum.

10 THE COURT: And his name is?

11 MR. SOLOWIEJCZYK: Jim Nicholson, another United
12 States Postal Service employee.

13 THE COURT: Good. Does he have a Mercedes registered
14 in his wife's name?

15 MR. BRAFMAN: We are working on it, Judge.

16 MR. SOLOWIEJCZYK: And then there is, I would say from
17 that point the list of the witnesses are on shorter side. We
18 are going to get more into the tax part of the case which I
19 know your Honor is eager to hear about. And then there is one
20 longer witness right at the end which is the revenue agent.
21 But, I would say after Nicholson it is more of hopefully a
22 sprint to the finish might be an exaggeration but we are
23 getting there.

24 THE COURT: Okay. See you in the morning.

25 (Adjourned to Tuesday, December 11, 2018 at 9:30 a.m.)

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GOVERNMENT EXHIBITS

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250DD	500
603 and 4009	504
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271	544
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268	548
256	619
248	627
252	656
600	676